



U.S. Department of Justice

Washington, D.C. 20530

January 20, 2001

Pardon Grants January 2001

<i>Name</i>	<i>Home Town</i>	<i>Offenses</i>
ALLEN, Verla Jean	Everton, Arkansas	False statements to agency of United States
ALTIERE, Nicholas M.	Las Vegas, Nevada	Importation of cocaine
ALTSCHUL, Bernice Ruth	Sherman Village, California	Conspiracy to commit money laundering
ANDERSON, Joe, Jr.	Grove Hill, Alabama	Income tax evasion
ANDERSON, William Sterling	Spartanburg, South Carolina	Conspiracy to defraud a federally insured financial institution, false statements to a federally insured financial institution, wire fraud
AZIZKHANI, Mansour T.	Huntsville, Alabama	Conspiracy and making false statements in bank loan applications
BABIN, Cleveland Victor, Jr.	Oklahoma City, Oklahoma	Conspiracy to commit offense against the United States by utilizing the U.S. mail in furtherance of a scheme to defraud
BAGLEY, Chris Harmon	Harrah, Oklahoma	Conspiracy to possess with intent to distribute cocaine
BANE, Scott Lynn	Mahomet, Illinois	Unlawful distribution of marijuana
BARBER, Thomas Cleveland	Hampton, Florida	Issuing worthless checks
BARGON, Peggy Ann	Monticello, Illinois	Violation of the Lacey Act, violation of the Bald Eagle Protection Act
BHATKA, Tansukhlal		Income tax evasion
BLAMPIED, David Roscoe	Ketchum, Idaho	Conspiracy to distribute cocaine
BORDERS, William Arthur, Jr.	Washington, D.C.	Conspiracy to corruptly solicit and accept money in return for influencing the official acts of a federal district court judge (Alcee L. Hastings), and to defraud the United States in connection with the performance of lawful government functions; corruptly influencing, obstructing, impeding and endeavoring to influence, obstruct and impede the due administration of justice, and aiding and abetting therein; traveling interstate with intent to commit bribery
BOREL, Arthur David	Little Rock, Arkansas	Odometer rollback
BOREL, Douglas Charles	Conway, Arkansas	Odometer rollback

BRABHAM, George Thomas	Austin, Texas	Making a false statement or report to a federally insured bank
BRASWELL, Almon Glenn	Doravilla, Georgia	Conspiracy to defraud government with respect to claims ; perjury; TAX EVASION
BROWDER, Leonard	Aiken, South Carolina	Illegal dispensing of controlled substance and Medicaid fraud
BROWN, David Steven	New York, New York	Securities fraud and mail fraud
BURLESON, Delores Caroylene, aka Delores Cox Burleson	Hanna, Oklahoma	Possession of marijuana
BUSTAMANTE, John H.	Cleveland, Ohio	Wire fraud
CAMPBELL, Mary Louise	Ruleville, Mississippi	Aiding and abetting the unauthorized use and transfer of food stamps
CANDELARIA, Eloida		False information in registering to vote
CAPILI, Dennis Sobrevinas	Glendale, California	Filing false statements in alien registration
CHAMBERS, Donna Denise	Memphis, Tennessee	Conspiracy to possess with intent to distribute and to distribute cocaine, possession with intent to distribute cocaine, use of a telephone to facilitate cocaine conspiracy
CHAPMAN, Douglas Eugene	Scott, Arkansas	Bank fraud
CHAPMAN, Ronald Keith	Scott, Arkansas	Bank fraud
CHAVEZ, Francisco Larios	Santa Ana, California	Aiding and abetting illegal entry of aliens
CISNEROS, Henry G.		
CLINTON, Roger		
COHN, Stuart Harris	New Haven, Connecticut	1. Illegal sale of gold options. 2. Illegal sale of silver options
COOPER, David Marc	Wapakoneta, Ohio	Conspiracy to defraud the government
COX, Ernest Harley, Jr.	Pine Bluff, Arkansas	Conspiracy to defraud a federally insured savings and loan, misapplication of bank funds, false statements
CROSS, John F., Jr.	Little Rock, Arkansas	Embezzlement by a bank employee
CUNNINGHAM, Rickey Lee	Amarillo, Texas	Possession with intent to distribute marijuana
DE LABIO, Richard Anthony	Baltimore, Maryland	Mail fraud, aiding and abetting
DEUTCH, John		Described in January 19, 2001 information
DOUGLAS, Richard		False statements
DOWNE, Edward Reynolds		Conspiracy to commit wire fraud and tax evasion; securities fraud
DUDLEY, Marvin Dean	Omaha, Nebraska	False statements
DUNCAN, Larry Lee	Branson, Missouri	Altering an automobile odometer
FAIN, Robert Clinton		Aiding and assisting in the preparation of a false corporate tax return

mail fraud

FERNANDEZ, Marcos Arcenio	Miami, Florida	Conspiracy to possess with intent to distribute marijuana
FERROUILLET, Alvarez		Interstate transport of stolen property, money laundering, false statements
FUGAZY, William Denis	Harrison, New York	Perjury in a bankruptcy proceeding
GEORGE, Lloyd Reid		Mail fraud
GOLDSTEIN, Louis	Las Vegas, Nevada	Possession of goods stolen from interstate shipment
GORDON, Rubye Lee	Tampa, Florida	Forgery of U.S. Treasury checks
GREEN, Pincus	Switzerland	
HAMNER, Robert Ivey	Searcy, Arkansas	Conspiracy to distribute marijuana, possession of marijuana with intent to distribute
HANDLEY, Samuel Price	Hodgenville, Kentucky	Conspiracy to steal government property
HANDLEY, Woodie Randolph	Hodgenville, Kentucky	Conspiracy to steal government property
HARMON, Jay Houston	Jonesboro, Arkansas	1. Conspiracy to import marijuana, conspiracy to possess marijuana with intent to distribute, importation of marijuana, possession of marijuana with intent to distribute 2. Conspiracy to import cocaine
HEMMINGSON, John		Interstate transport of stolen property, money laundering
HERDLINGER, David S.	St. Simons Island, Georgia	Mail fraud
HUCKLEBERRY, Debi Rae	Ogden, Utah	Distribution of methamphetamine
JAMES, Donald Ray	Fairfield Bay, Arkansas	Mail fraud, wire fraud, and false statement to a bank to influence credit approval
JOBE, Stanley Pruet	El Paso, Texas	Conspiracy to commit bank fraud, and bank fraud
JOHNSON, Ruben H.	Austin, Texas	Theft and misapplication of bank funds by a bank officer or director
JONES, Linda		Conspiracy to commit bank fraud and other offenses against the United States
LAKE, James Howard		Illegal corporate campaign contributions, wire fraud
LEWIS, June Louise	Lowellville, Ohio	Embezzlement by a bank employee
LEWIS, Salim Bonnor	Short Hills, New Jersey	Securities fraud, record keeping violations, margin violations
LODWICK, John Leighton	Excelsior Springs, Missouri	Income tax evasion
LOPEZ, Hildebrando	San Isidro, Texas	Distribution of cocaine
LUACES, Jose Julio	Ft. Lauderdale, Florida	Possession of an unregistered firearm

MANESS, James Timothy		Conspiracy to distribute a controlled substance
MANNING, James Lowell	Little Rock, Arkansas	Aiding and assisting in the preparation of a false corporate tax return
MARTIN, John Robert	Gulf Breeze, Florida	Income tax evasion
MARTINEZ, Frank Ayala	Elgin, Texas	Conspiracy to supply false documents to the Immigration and Naturalization Service
MARTINEZ, Silvia Leticia Beltran	Elgin, Texas	Conspiracy to supply false documents to the Immigration and Naturalization Service
McCORMICK, John Francis	Dedham, Massachusetts	Racketeering conspiracy, racketeering, and violation of the Hobbs act
McDOUGAL, Susan H.		
MECHANIC, Howard Lawrence		1. Violating the Civil Disobedience Act of 1968 2. Failure to appear 3. Making false statement in acquiring a passport
MITCHELL, Brook K., Sr.		Conspiracy to illegally obtain USDA subsidy payments, false statements to USDA, and false entries on USDA forms
MORGAN, Charles Wilfred, III	Little Rock, Arkansas	Conspiracy to distribute cocaine
MORISON, Samuel Loring	Crofton, Maryland	Willful transmission of defense information, unauthorized possession and retention of defense information, theft of government property
NAZZARO, Richard Anthony	Winchester, Massachusetts	Perjury and conspiracy to commit mail fraud
NOSENKO, Charlene Ann	Phoenix, Arizona	Conspiracy to defraud the United States, and influencing or injuring an officer or juror generally
OBERMEIER, Vernon Raymond	Belleville, Illinois	Conspiracy to distribute cocaine, distribution of cocaine, and using a communications facility to facilitate distribution of cocaine
OGALDE, Miguelina	Glendale, California	Conspiracy to import cocaine
OWEN, David C.	Olathe, Kansas	Filing a false tax return
PALMER, Robert W.	Little Rock, Arkansas	Conspiracy to make false statements
PERHOSKY, Kelli Anne	Bridgeville, Pennsylvania	Conspiracy to commit mail fraud
PEZZOPANE, Richard H.	Palo Heights, Illinois	Conspiracy to commit racketeering, and mail fraud
PHILLIPS, Orville Rex	Waco, Texas	Unlawful structure of a financial transaction

POLING, Vinson Stewart, Jr.	Baldwin, Maryland	Making a false bank entry, and aiding and abetting
PROUSE, Norman Lyle	Conyers, Georgia	Operating or directing the operation of a common carrier while under the influence of alcohol
PRUITT, Willie H. H., Jr.	Port Richey, Florida	Absent without official leave
PURSLEY, Danny Martin, Sr.	Goodlettsville, Tennessee	Aiding and abetting the conduct of an illegal gambling business, and obstruction of state laws to facilitate illegal gambling
RAVENEL, Charles D.	Charleston, South Carolina	Conspiracy to defraud the United States
RAY, William Clyde	Altus, Oklahoma	Fraud using a telephone
REGALADO, Alfredo Luna	Pharr, Texas	Failure to report the transportation of currency in excess of \$10,000 into the United States
RICAFORT, Ildefonso Reynes	Houston, Texas	Submission of false claims to Veterans Administration
RICH, Marc	Switzerland	
RIDDLE, Howard Winfield	Mt. Crested Butte, Colorado	Violation of the Lacey Act (receipt of illegally imported animal skins)
RILEY, Richard Wilson, Jr.		Possession of cocaine with intent to distribute
ROBBINS, Samuel Lee	Cedar Park, Texas	Misprision of a felony
RODRIGUEZ, Joel Gonzales	Houston, Texas	Theft of mail by a postal employee
ROGERS, Michael James	McAllen, Texas	Conspiracy to possess with intent to distribute marijuana
ROSS, Anna Louise	Lubbock, Texas	Distribution of cocaine
RUST, Gerald Glen	Avery, Texas	False declarations before grand jury
RUST, Jerri Ann	Avery, Texas	False declarations before grand jury
RUTHERFORD, Bettye June	Albuquerque, New Mexico	Possession of marijuana with intent to distribute
SANDS, Gregory Lee	Sioux Falls, South Dakota	Conspiracy to distribute cocaine
SCHWIMMER, Adolph		Conspiracy to commit an offense against the United States, conspiracy to export arms and ammunition to a foreign country and related charges
SERETTI, Albert A., Jr.	McKees Rocks, Pennsylvania	Conspiracy and wire fraud
SHAW, Patricia Campbell Hearst	Wilton, Connecticut	Armed bank robbery and using a firearm during a felony
SMITH, Dennis Joseph	Redby, Minnesota	1. Unauthorized absence 2. Failure to obey off-limits instructions 3. Unauthorized absence
SMITH, Gerald Owen	Florence, Mississippi	Armed bank robbery
SMITH, Stephen A.		

SPEAKE, Jimmie Lee	Breckenridge, Texas	Conspiracy to possess and utter counterfeit \$20 Federal Reserve notes
STEWART, Charles Bernard	Sparta, Georgia	Illegally destroying U.S. Mail
STEWART-ROLLINS, Marlena Francisca	Euclid, Ohio	Conspiracy to distribute cocaine
SYMINGTON, John Fife, III		
TANNEHILL, Richard Lee	Reno, Nevada	Conspiracy and restraint of trade
TENAGLIA, Nicholas C.	Lafayette Hill, Pennsylvania	Receipt of illegal payments under the Medicare program
THOMAS, Gary Allen	Lancaster, Texas	Theft of mail by postal employee
TODD, Larry Weldon	Gardendale, Texas	Conspiracy to commit an offense against the U.S. in violation of the Lacey Act and the Airborne Hunting Act
TREVINO, Olga C.	Converse, Texas	Misapplication by a bank employee
VAMVOUKLIS, Ignatious	Exeter, New Hampshire	Possession of cocaine
VAN DE WEERD, Patricia A.	Tomahawk, Wisconsin	Theft by a U.S. Postal employee
WADE, Christopher V.		
WARMATH, Bill Wayne	Walls, Mississippi	Obstruction of correspondence
WATSON, Jack Kenneth	Oakridge, Oregon	Making false statements of material facts to the U.S. Forest Service
WEBB, Donna Lynn	Panama City, Florida	False entry in savings and loan record by employee
WELLS, Donald William	Phenix City, Alabama	Possession of an unregistered firearm
WENDT, Robert H.	Kirkwood, Missouri	Conspiracy to effectuate the escape of a federal prisoner
WILLIAMS, Jack L.		Making false statements to federal agents
WILLIAMS, Kevin Arthur	Omaha, Nebraska	Conspiracy to distribute and possess with intent to distribute crack cocaine
WILLIAMS, Robert Michael	Davison, Michigan	Conspiracy to transport in foreign commerce securities obtained by fraud
WILSON, Jimmie Lee	Helena, Arkansas	Converting property mortgaged or pledged to a farm credit agency, and converting public money to personal use
WINGATE, Thelma Louise	Sale City, Georgia	Mail fraud
WOOD, Mitchell Couey	Sherwood, Arkansas	Conspiracy to possess and to distribute cocaine
WOOD, Warren Stannard	Las Vegas, Nevada	Conspiracy to defraud the United States by filing a false document with the Securities and Exchange Commission
WORTHEY, Dewey	Conway, Arkansas	Medicaid fraud
YALE, Rick Allen	Belleville, Illinois	Bank fraud
YASAK, Joseph A.	Chicago, Illinois	Knowingly making under oath a false declaration regarding a material fact before a grand jury

YINGLING, William Stanley		Interstate transportation of stolen vehicle
YOUNG, Phillip David	Little Rock, Arkansas	Interstate transportation and sale of fish and wildlife

DOJ/PAO-MR-00015



U.S. Department of Justice

Washington, D.C. 20530

January 20, 2001

COMMUTATIONS GRANTED JANUARY 20, 2001

Name	Offense	District/Date/Sentence	Terms of Grant
BERGER, Benjamin	Conspiracy to defraud the United States; wire fraud; false statement; money laundering; filing a false tax return	S. D. N. Y.; October 18, 1999; 30 months' imprisonment, two years' supervised release, \$522,977 in restitution	Commute prison sentence to 24 months' imprisonment, leaving intact and in effect the remaining provisions
BLACKLEY, Ronald Henderson	False statements	D. D. C.; March 18, 1998; 27 months' imprisonment, three years' supervised release	Commute prison sentence to time served, leaving intact and in effect the remaining provisions
BOLAN, Bert Wayne	Conspiracy to commit mail fraud and illegal remuneration for patient referrals; mail fraud	N. D. Tex.; April 14, 1995; 97 months' imprisonment, three years' supervised release, \$375,000 fine	Commute prison sentence to time served and remit unpaid balance of fine in excess of \$15,000, leaving intact and in effect the remaining provisions
CAMARGO, Gloria Libia	Conspiracy to possess cocaine with intent to distribute, attempt to possess cocaine with intent to distribute	S. D. Fla.; February 22, 1990; 188 months' imprisonment, five years' supervised release	Commute prison sentence to time served, leaving intact and in effect the remaining provisions
CAMPBELL, Charles F.	Conspiracy to distribute crack cocaine, distribution of crack cocaine	D. D. C.; January 25, 1994, modified on December 17, 1997; 240 months' imprisonment, 10 years' supervised release	Commute prison sentence to time served on the condition that he serve a five-year period of supervised release with a special condition of drug testing, leaving intact and in effect the remaining provisions
CHANDLER, David Ronald	Conspiracy to possess with intent to distribute and to distribute marijuana; engaging in a continuing criminal	N. D. Ala; May 14, 1991; sentence of death for murder in furtherance of a continuing criminal enterprise; aggregate sentences of life	Commute the death sentence to imprisonment for life without parole, leaving intact and in

	enterprise; murder in furtherance of a continuing criminal enterprise; aiding and abetting the use or carrying of a firearm in relation to a drug-trafficking offense; money laundering	imprisonment, plus 10 years on the remaining counts.	effect the sentences of imprisonment already imposed
CHIN, Lau Ching	Conspiracy to possess heroin with intent to distribute; interstate travel to commit a drug offense	N. D. Ill.; June 27, 1990; 210 months' imprisonment, five years' supervised release	Commute prison sentence to time served, leaving intact and in effect the remaining provisions
CLARK, Donald R.	Conspiracy to manufacture, distribute and possess with intent to distribute marijuana	M. D. Fla.; November 4, 1994, as modified December 20, 1996; 329 months' imprisonment, five years' supervised release	Commute prison sentence to time served with a special condition of drug testing during supervised release, leaving intact and in effect the remaining provisions
COFFMAN, Loreta De-Ann	Conspiracy; possession with intent to distribute crack cocaine; use of telephone to commit drug offense; distribution of crack cocaine near a school	N. D. Tex.; November 12, 1993, as modified June 24, 1996, and February 26, 1998, 85 years' imprisonment, five years' supervised release	Commute prison sentence to time served with a special condition of drug testing during supervised release, leaving intact and in effect the remaining provisions
CURRY, Derrick	Conspiracy to distribute and possess with intent to distribute cocaine and cocaine base; aiding and abetting the distribution of cocaine base; and aiding and abetting the possession of cocaine base with intent to distribute	D. Md.; October 1, 1993; 235 months' imprisonment, five years' supervised release	Commute prison sentence to time served with a special condition of drug testing during supervised release, leaving intact and in effect the remaining provisions
DESALUS, Velinda	Possession with intent to distribute cocaine base	M. D. Fla.; December 18, 1992; 120 months' imprisonment, five years' supervised release	Commute prison sentence to time served with a special condition of drug testing during supervised release, leaving intact and in effect the remaining provisions
ELBAUM, Jacob	Conspiracy to defraud the United States; embezzlement from	S. D. N. Y.; October 18, 1999; 57 months' imprisonment, two years'	Commute prison sentence to 30 months'

	federally funded program; wire fraud; mail fraud; making a false statement; filing a false tax return; failure to file a tax return	supervised release, \$11,089,721 in restitution	imprisonment, leaving intact and in effect the remaining provisions
EVANS, Linda Sue	<p>1. Possession of firearm by convicted felon</p> <p>2. Harboring a fugitive</p> <p>3. Possession of firearm by convicted felon and false statements in acquiring firearms</p> <p>4. Malicious damage to Government property and conspiracy to damage Government property</p>	<p>1. S. D. N. Y.; November 21, 1985; two years' imprisonment</p> <p>2. S. D. N.Y.; July 10, 1986; three years' imprisonment (consecutive to No. 1)</p> <p>3. E. D. La.; May 20, 1987 (modified on December 8, 1988); 30 years' imprisonment (consecutive to Nos. 1 & 2)</p> <p>4. D. D.C.; December 6, 1990; five years' imprisonment (consecutive to Nos. 1 - 3)</p>	Commute prison sentences to 25 years, eight months' and 11 days, leaving intact and in effect the remaining provisions. Action effectuates her immediate release.
FISH, Loretta Sharon	Conspiracy to manufacture and distribute methamphetamine	E. D. Pa.; December 8, 1994, 235 months' imprisonment, five years' supervised release	Commute prison sentence to time served with a special condition of drug testing during supervised release, leaving intact and in effect the remaining provisions
FRINK, Antoinette M.	Conspiracy to aid and abet the possession of cocaine with intent to distribute; aiding and abetting the possession with intent to distribute; counseling others to travel in interstate commerce with the intent of facilitating the possession of cocaine with intent to distribute	M. D. Ga.; July 11, 1989; 188 months' imprisonment, five years' supervised release	Commute prison sentence to time served with a special condition of drug testing during supervised release, leaving intact and in effect the remaining provisions
GOLDSTEIN, David	Conspiracy to defraud the United States; wire fraud; embezzlement from a federally funded program; mail fraud	S. D. N.Y.; October 18, 1999, 70 months' imprisonment; three years' supervised release; \$10,118,182 in restitution	Commute prison sentence to 30 months' imprisonment, leaving intact and in effect the remaining provisions

GREENFIELD, Gerard A.	Possession of phencyclidine (PCP) with intent to distribute	D. Utah; September 9, 1993; 192 months' imprisonment, five years' supervised release; \$25,000 fine	Commute prison sentence to time served with a special condition of drug testing during supervised release, leaving intact and in effect the remaining provisions
ISRAEL, Jodie E.	Conspiracy to manufacture; possess with intent to distribute and distribute marijuana; conducting financial transaction with proceeds from sale of controlled substances; distribution of marijuana	D. Mont.; February 4, 1994; 135 months' imprisonment, five years' supervised release	Commute prison sentence to time served with a special condition of drug testing during supervised release, leaving intact and in effect the remaining provisions
JOHNSON, Kimberly D.	Conspiracy to possess with intent to distribute cocaine base	D. S. C.; November 14, 1994; 188 months' imprisonment, five years' supervised release	Commute prison sentence to time served with a special condition of drug testing during supervised release, leaving intact and in effect the remaining provisions
LANGSTON, Billy Thornton, Jr.	Conspiracy to manufacture PCP; manufacture of PCP	C. D. Calif.; September 9, 1994, as modified by 1996 court order; 324 months' imprisonment, five years' supervised release	Commute prison sentence to time served with a special condition of drug testing during supervised release, leaving intact and in effect the remaining provisions
LUMPKIN, Belinda Lynn	Conspiracy to possess with intent to distribute crack cocaine and marijuana	E. D. Mich.; March 24, 1989; 300 months' imprisonment, three years' supervised release	Commute prison sentence to time served on condition that she serve a five-year period of supervised release with special condition of drug testing, leaving intact and in effect the remaining provisions
MACDONALD, Peter, Sr.	I. Racketeering; racketeering conspiracy; extortion by an Indian tribal official; mail fraud; wire fraud; and interstate transportation in aid of racketeering	I. D. Ariz.; November 30, 1992; 60 months' imprisonment, three years' supervised release, \$10,000 fine, and \$1,500,000 in restitution	Commute prison sentence to time served, leaving intact and in effect the remaining provisions

	2. Conspiracy to commit kidnapping; third-degree burglary	2. D. Ariz.; February 16, 1993; 175 months' imprisonment, five years' supervised release (concurrent with No. 1); \$5,000 fine, \$4,431.03 in restitution	
MANN, Kellie Ann	Conspiracy to distribute LSD; possession of LSD with intent to distribute; use of mail to facilitate drug offense	N. D. Ga.; January 26, 1994; 120 months' imprisonment, five years' supervised release	Commute prison sentence to time served with a special condition of drug testing during supervised release, leaving intact and in effect the remaining provisions
NINEMIRE, Peter	1. Manufacturing marijuana 2. Failure to appear	1. D. Kan.; April 26, 1991; 292 months' imprisonment, eight years' supervised release 2. D. Kan., June 28, 1991; 30 months' imprisonment, consecutive to No. 1, and three years' supervised release	Commute prison sentence to time served on the condition that he serve a five-year period of supervised release with a special condition of drug testing, leaving intact and in effect the remaining provisions
PADMORE, Hugh Ricardo	Possession with intent to distribute cocaine base	E. D. N. C.; October 31, 1995; 135 months' imprisonment, five years' supervised release	Commute prison sentence to time served with a special condition of drug testing during supervised release, leaving intact and in effect the remaining provisions
PROSPERI, Arnold Paul	Filing a false tax return; making, uttering, or possessing a counterfeited security with intent to deceive another	S. D. Fla.; March 27, 1998; 36 months' imprisonment, one year's supervised release, \$25,000 fine	Commute any period of confinement that has already been imposed or will be imposed upon him that is in excess of 36 months, and further commute any such period of confinement to be served in home confinement, leaving intact and in effect the remaining provisions
REYNOLDS, Melvin J.	Bank fraud; wire fraud; making false statements to a financial institution; conspiracy to defraud the	N. D. Ill.; July 15, 1997; 78 months' imprisonment, five years' supervised release, \$20,000 in restitution	Commute remainder of prison sentence to period of equal length to be served in a

	Federal Election Commission; false statements to a federal official		community corrections center, on condition of compliance with rules, leaving intact and in effect the remaining provisions
RIVEIRO, Pedro Miguel	Conspiracy to possess with intent to distribute cocaine	S. D. Fla.; February 9, 1995; 102 months' imprisonment, five years' supervised release	Commute prison sentence to time served with a special condition of drug testing during supervised release, leaving intact and in effect the remaining provisions
RIVERS, Dorothy	Obstruction of a federal audit; false statements to a federal agency; tax evasion; failure to file tax returns; wire fraud; mail fraud; theft from a federally funded organization	N. D. Ill.; November 17, 1997; 70 months' imprisonment, three years' supervised release	Commute prison sentence to 50 months' imprisonment, leaving intact and in effect the remaining provisions
ROSENBERG, Susan	Conspiracy to possess unregistered firearm; receive firearms and explosives shipped in interstate commerce while a fugitive and unlawfully use false identification documents; possession of unregistered destructive devices; possession of unregistered firearm; carrying explosives during commission of felony; possession with intent to use identification documents; false representation of Social Security number; possession of counterfeit Social Security cards	D. N. J.; May 20, 1985; 58 years' imprisonment	Commute prison sentences to an aggregate sentence of 25 years, eight months, and 11 days, leaving intact and in effect the remaining provisions of the sentences. Action effectuates her immediate release.
STERN, Kalmen	Conspiracy to defraud the United States; embezzlement from a federally funded program; wire fraud; mail fraud; filing a false tax return	S. D. N. Y.; October 18, 1999, 78 months' imprisonment, three years' supervised release; \$11,179,513 restitution	Commute prison sentence to 30 months' imprisonment, leaving intact and in effect the remaining provisions
STRINGFELLOW, Cory	1. Conspiracy to possess with intent to distribute and to distribute LSD	1. D. Colo.; July 21, 1995; 188 months' imprisonment, four years' supervised release	1. Commute prison sentence to time served on the

good time credit
2/3 time or more minus good time credit
under the law, earn good time credit at a high rate.

	2. False statement in a passport application		condition that he serve a five-year period of supervised release with a special condition of drug testing, leaving intact and in effect the remaining provisions
		2. D. Utah; November 17, 1995; four months' imprisonment (consecutive to No. 1); four years' supervised release	2. Sentence left intact and in effect
VIGNALI, Carlos Anibal, Jr.	Conspiracy to distribute cocaine; using facilities in interstate commerce with intent to promote a business enterprise involving narcotics; illegal use of communication facility to facilitate commission of controlled substance offense	D. Minn.; July 17, 1995; 175 months' imprisonment, five years' supervised release	Commute prison sentence to time served with a special condition of drug testing during supervised release, leaving intact and in effect the remaining provisions
WADDELL, III, Thomas Wilson	Conducting an illegal gambling business; conspiracy to commit money laundering	N. D. Calif.; January 13, 2000, 24 months' imprisonment, three years' supervised release; \$7,500 fine; criminal forfeiture	Commute prison sentence to 12 months' imprisonment and one year's supervised release to be served before the three-year period of supervised release already imposed, leaving intact and in effect the already imposed three-year period of supervised release and the other remaining provisions of the sentence
WEINIG, Harvey	Conspiracy to commit money laundering; criminal forfeiture and misprision of felony	S. D. N. Y.; March 22, 1996; 135 months' imprisonment, three years' supervised release	Commute prison sentence to a term of imprisonment of five years and 270 days upon condition that he serve a period of supervised release of three years and 95 days, leaving intact and in effect the remaining provisions
WILLIS, Kim Allen	Conspiracy to distribute	D. Minn.; April 20, 1990;	Commute the prison

	cocaine; aiding and abetting the attempt to possess with the intent to distribute cocaine	188 months' imprisonment, five years' supervised release	sentence to time served, leaving intact and in effect the remaining provisions
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QUINN GILLESPIE

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THE WHITE HOUSE
WASHINGTON

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January 26, 1996

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PARDON ATTORNEY

MEMORANDUM FOR JAMIE S. GORELYCK
DEPUTY ATTORNEY GENERAL

FROM: JACK QUINN
COUNSEL TO THE PRESIDENT

SUBJECT: Executive Clemency Policy

I write this memorandum to convey to you as well as the Pardon Attorney the essence of several recent directives I received from the President concerning his executive clemency policy.

Preliminarily, the President reiterated his belief that the power to grant executive clemency is an important presidential prerogative which he takes very seriously. As such, he asked me to express to you and to the Pardon Attorney his sincere appreciation for the care and attention with which your office reviews clemency requests. The President intends to continue to rely greatly on your joint recommendations regarding clemency applications.

The President has reviewed the criteria employed by the Department of Justice at present in determining whether to recommend that a particular clemency request be granted or denied. These criteria, of course, include: (1) post-conviction conduct, character and reputation; (2) seriousness and relative recantness of the offense; (3) acceptance of responsibility, remorse and atonement; (4) official recommendations and reports; and, (5) any specific need for relief. The President has also identified additional factors that he believes we should integrate into the evaluation of clemency applications. These factors fall broadly into two categories: those which militate in favor of granting clemency and those which raise a presumption that clemency should be denied. Use of these additional factors should provide for even greater consistency among the ultimate recommendations forwarded to the President for the many different types of requests submitted.

The following circumstances would weigh in favor of granting clemency:

- 1) Indications that the crime for which clemency is sought was truly aberrational, i.e., a lone instance of criminal behavior in an otherwise exemplary life.

EXHIBIT

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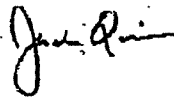
- 2) Cases committed long ago when the individual was very young and which do not involve major crimes.
- 3) Cases not involving major crimes in which the individual has clearly turned his or her life around by making sustained and significant contributions to the community since being released from prison.

By contrast, in certain cases, even extraordinarily exemplary actions post-conviction may not merit the remedy of executive clemency. These cases might include:

- 1) The commission of major crimes: There are categories of crimes which are so serious that the President will not consider granting a pardon for them under almost any circumstances. Such crimes would include large-scale drug trafficking, sex offenses involving minors, offenses involving central involvement in political corruption, or violent crimes such as murder or rape.
- 2) An extensive criminal history: Three or more separate convictions should raise a substantial presumption against granting a pardon with respect to any one of them. This presumption would only be overcome by a truly exceptional rehabilitative history involving exemplary service to the individual's community or country.

Again, these factors are not meant to supplant the criteria currently employed, but, rather, should enhance the analysis of clemency requests. As you and I have discussed, we would like to explore whether there are additional applications for clemency, pardons in particular, that should be considered. We do not intend to imply by this that the percentage of applications approved by the President should necessarily be substantially increased. We would, however, entertain additional requests in order to determine if such an increase may be appropriate.

Please do not hesitate to call me if you have any questions concerning the implementation of the guidance outlined in this memorandum.



cc: Margaret Colgate Love
Pardon Attorney



U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

February 6, 2001

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515-6143

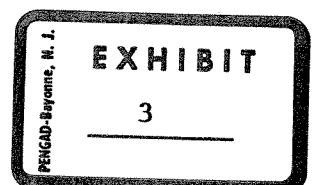
Dear Mr. Chairman:

This supplements our response to your letter, dated January 25, 2001, and responds to the letter, dated February 1, 2001, from the Committee's chief counsel, regarding President Clinton's grants of clemency on January 20, 2001.

With regard to your letter of January 25th, we have been advised by the Federal Bureau of Investigation that they have no information indicating that Messrs. Rich or Green have entered the United States since 1983.

In response to Mr. Wilson's letter of February 1st, I want to advise you that the following persons did not file clemency applications with the Department of Justice prior to President Clinton's clemency grants of January 20, 2001:

1. Tansukhlal Bhatka
2. Almon Glenn Braswell
3. John H. Bustamante
4. Henry G. Cisneros
5. Roger Clinton
6. John F. Cross, Jr.
7. Richard Douglas
8. Edward Reynolds Downe
9. Robert Clinton Fain
10. Alvarez Ferrouillet
11. Lloyd Reid George
12. John Hemmingson
13. Linda Jones
14. James Howard Lake
15. James Timothy Maness
16. Susan H. McDougal
17. Richard H. Pezzopane



18. Charles D. Ravenel
19. Adolph Schwimmer
20. Stephen A. Smith
21. John Fife Symington III
22. Christopher V. Wade
23. Jack L. Williams
24. Jimmie Lee Wilson
25. William Stanley Yingling
26. Velinda Desalus
27. Kimberly D. Johnson
28. Arnold Raul Prosperi
29. Dorothy Rivers
30. Thomas Wilson Waddell III

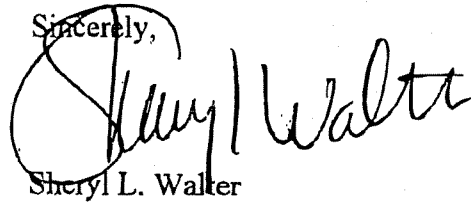
Although the following persons had previously filed clemency applications with the Department of Justice, such applications had been denied by President Clinton on December 28, 1998, and thus were not pending with the Department at the time of President Clinton's clemency grants on January 20, 2001:

1. Rickey Lee Cunningham
2. Rubye Lee Gordon
3. John Robert Martin
4. Frank Ayala Martinez
5. Silvia Leticia Beltran Martinez
6. Miguelina Ogalde
7. Orville Rex Phillips
8. Howard Winfield Riddle
9. Gerald Glen Rust
10. Jerri Ann Rust
11. Gary Allen Thomas
12. Larry Weldon Todd
13. Patricia A. Van De Weerd
14. Mitchell Couey Wood

When Eloida Candelaria and William Denis Fugazy filed pardon applications, they were not eligible to apply because of the provision in the Rules Governing Petitions for Executive Clemency requiring a five year waiting period from the date of release from confinement or from the date of conviction, whichever is later, before a person is eligible to apply for this type of clemency. The Department considered their petitions as requests for waivers of this five year period and both requests were denied. Accordingly, neither had applications pending at the Department when the pardons were granted on January 20. The clemency application of Louis Goldstein was pending at the time of President Clinton's clemency grants of January 20, 2001.

I hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Sheryl L. Walter". The signature is written in a cursive, flowing style. The first name "Sheryl" is written with a large, looped 'S' and a trailing 'y'. The last name "Walter" is written with a large 'W' and a trailing 'r'. The initials "L." are written in the middle.

Sheryl L. Walter

cc: The Honorable Henry Waxman
Ranking Minority Member

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/01/1999

Roger C. Clinton, date of birth (DOB), [REDACTED], [REDACTED], Redondo Beach, California, (310) [REDACTED], was interviewed at his residence. After being advised of the identity of the interviewing agents, and the nature of the interview, Clinton stepped out into the front yard of the house, and voluntarily agreed to answer questions. He thereafter provided the following information:

Clinton advised he first met Tommy Gambino about four to four and a half years ago. He was introduced to Tommy Gambino at a club in Beverly Hills by a man named Pasquale (LNU), who was the manager for musician Gino Vinelli. Clinton could not provide the name or location of the club.

Clinton stated that the two most common questions he gets asked regularly are, "What is it like to be the President's brother? and Can you help me get someone out of jail?" Clinton stated after talking to Tommy Gambino he knew the reason for the introduction was to see if he could help Tommy Gambino get his father released from prison.

At this point, Clinton and the reporting agents moved from the front lawn of the house to the side of the house and stood on the driveway for the remainder of the interview.

Clinton advised that after he began to spend time with Tommy Gambino, he learned about the family and the efforts that they have made to get Tommy Gambino's father, Rosario, released from prison. They have hired very qualified attorneys and been through the appeal process. Clinton stated that he identified with Tommy Gambino on a number of levels and because of this, he became passionate about trying to help him get his father released.

Clinton stated that since Rosario Gambino has been in prison, Tommy has had to grow up without a father. Clinton advised that he, too, had grown up without a father, and sympathized with that position. Tommy Gambino has a close knit Italian family. Clinton stated that when he grew up in Arkansas he and his brother grew up close to an unnamed tight knit Italian family. He further

FBI-RC-00001

Investigation on 9/30/99 at Redondo Beach, CAUNCLASSIFIED
DATE 12/29/99 BY [REDACTED]File # 72-BA-96138Date dictated 10/1/99by SA Tracey Silberling *TS*
SA Kevin M. Adley *KMA*ATTACHMENTS

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to you; it and its contents are not to be distributed outside your agency.

EXHIBIT

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Continuation of FD-302 of Roger C. Clinton, On 9/30/99, Page 2

stated that he has is own prison experience which has given him an insight to the prison system. Through his experience of being incarcerated, he claimed to have learned that things are not always as they appear or as they are reported.

Clinton advised that Tommy Gambino provided him with all the case files related to his father's case. He has spent hours reviewing all the files. Clinton stated that after his full review of the case, he does not believe Rosario Gambino is being treated fairly. Rosario Gambino has served three years longer than the maximum guidelines for his offenses. He has been given release dates on two occasions and they have both been denied. The same person, whose name he declined to provide, has denied the release, and provided different reasons each time. Clinton further advised that he believes Tommy Gambino's father may be treated differently than other people strictly because of this name. Clinton advised that he too has experienced that problem. He stated that the name can be both a positive or negative depending on the circumstances.

Clinton stated that after getting to know Tommy Gambino, and reviewing Rosario Gambino's case file, he wanted to help the family. He told Tommy Gambino that he would not agree to help the family unless they provided him with all the information related to the case. Clinton told Tommy Gambino that he did not want any information withheld that might effect his decision to help the family. Gambino told Clinton if there is any information withheld from you, it was also being withheld from him (Tommy Gambino). Clinton stated he really felt for the family and grew passionate about trying to help them. He further advised that he told Tommy Gambino that by his providing assistance and making contact with the U.S. Parole Commission to seek assistance with this case, it could actually work against him. Clinton stated his name will not necessarily be an advantage when it comes to fighting this matter. Gambino was willing to take the risk and have Clinton attempt to help.

Clinton stated that his agreement to help Tommy Gambino attempt to obtain the release of his father from prison was purely informal. They did not write any contracts or discuss specific compensation for the assistance. Clinton told Tommy Gambino that he did not know if his efforts to assist would produce any positive results. In fact, he stated some of the officials he contacted might be worried about appearances of helping him because of his name, and that could work against them. Clinton said, "As you can see, I was right. To date, my efforts have provided no help".

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Continuation of FD-302 of Roger C. Clinton, On 9/30/99, Page 3

Clinton stated that he knew his name associated with the Gambino name would raise some eyebrows, but he did not realize it would generate this much interest.

Clinton stated he did not discuss his decision to assist the Gambino family in this case with anyone. He advised he telephoned the U.S. Parole Commission directly and asked for the names of the individuals who are members of the Commission. He then began to telephone and write letters to individuals on the Commission in an attempt to arrange meetings and discuss the case. Clinton stated he did not tell his brother, the President of the United States, specifically what he was working on. He believes, however, that the President knew he had some business with the U.S. Parole Commission, but did not know specifically what he was working on. He did not tell his brother that he was working on the Rosario Gambino case. He did not seek advise or referrals from the President in his efforts to contact the Parole Commission on behalf of Rosario Gambino.

Clinton stated that he did not represent to anyone on the Parole Commission that his brother was aware of his efforts to assist the Gambino family or that the President was supporting his effort to assist in getting Rosario Gambino released from prison. Clinton stated he would not ask the President for help in a matter like this. Clinton further stated that is why he was keeping his contact with the U.S. Parole Commission "above-board." In fact, during the process he learned from someone at the Parole Commission that if he was to receive information regarding a specific case, he would have to obtain a waiver from the prisoner or his or her family. He would have to register himself as an official representative of that person, in order to permit the authorized disclosure of personal and protected information. Clinton stated as soon as he learned that, he processed the proper paperwork to register as an official representative of Rosario Gambino.

Clinton stated that one of the individuals he met with on the Parole Commission was Tom Kowalski. Another individual he attempted to meet with was the Commissioner Michael Gaines. Clinton stated that he knew Gaines from growing up in Arkansas. He placed a telephone call to Gaines office requesting an after hours meeting or dinner with Gaines. Clinton advised Gaines must have known what he wanted to discuss because Gaines assistant called Clinton back and told him that it was inappropriate for Gaines to speak with Clinton regarding a case. He has placed telephone calls, written

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Continuation of FD-302 of Roger C. Clinton, On 9/30/99, Page 4

letters and attempted to set up meetings with others on the Commission to discuss the Gambino case.

Clinton advised that he did not want to provide the names of specific people he has spoken with concerning this matter. Clinton said "I'm sure it is a public record and you can find out by checking the records."

Clinton was asked if he was ever given anything of value for his assistance in this matter. He advised he had not received anything for this assistance. Clinton stated that Tommy Gambino said if he (Clinton) could help get his father released from prison, "we will take care of you." Clinton said that he knows what that means. He stated "I'm not stupid, I understand what the big picture is." He again stated that no specific compensation was discussed if he were to be successful in obtaining Rosario Gambino's release. Clinton advised it was his understanding if he were successful, he would be financially compensated. Clinton is not sure however, if he will be able to help Tommy Gambino and his family. Clinton then stated that he had received two airline tickets to Washington DC from Tommy Gambino and expenses for the trips. Tommy Gambino put the airline tickets on his credit card. Clinton also admitted to having received an undisclosed amount of expenses, but did not provide any information as to how the expense money was furnished to him.

Clinton was asked if he had received any gifts from Tommy Gambino while he was assisting the family with the case, and Clinton initially responded "no." After further inquiry, Clinton then advised "I was shown a Rolex watch once, but it was not given to me." Clinton explained that the watch was on the wrist of Tommy Gambino who asked Clinton if he ever had a Rolex.

Clinton related that he and Tommy Gambino were discussing watches and cigars at a coffee shop in Beverly Hills, the name and location of which Clinton could not remember. He stated he and Tommy Gambino got into a conversation about cigars. Clinton stated he knew that if the embargo on Cuban cigars ever got lifted, "they could all make a lot of money." Clinton recalled a conversation, the date or approximate time of which he could not recall, he had with his brother, Bill Clinton, who told him the cigar embargo would not be lifted while he was still President. President Clinton allegedly said "The embargo will be eased for food and medicine because that is the direction the world is going, but not for cigars, not during your life time."

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Continuation of FD-302 of Roger C. Clinton, On 9/30/99, Page 5

Clinton stated that after leaving the coffee shop, Tommy Gambino took him to look at watches at an unnamed "pawn shop," also in Beverly Hills, California where they encountered actor and Hollywood celebrity George Hamilton. Clinton said Hamilton, who is "a friend of Tommy's," sells watches and cigars. Clinton said Hamilton had a briefcase full of watches which he displayed to Clinton and Gambino, but they left without buying a watch.

Clinton subsequently reversed his earlier denials and admitted to having actually received a watch from Tommy Gambino, who told him it was an "Italian custom" to give such a gift as a token of appreciation. Clinton could not remember either when he was given the watch, or where he was when he received it. Clinton claimed, however, he did not keep it, but returned it to Gambino after he had "heard" the watch is a "fake." Clinton could not remember who told him the watch was an imitation, or when he had learned it was a "fake."

Clinton again amended his previous statement when pressed for details regarding the watch's return. Clinton stated that even though it was supposed to be "a fake," he did not return the watch because it was a gift of appreciation from the family. Clinton contended that he never wore it because it was "too gaudy" with a thick gold band and a blue face. Clinton said he was confused in that he did not know the present location of the watch. Clinton stated "Tommy could have it," or that he may actually still have the watch. He stated "he really didn't know." Clinton advised "It could be in my flippin trunk for all I know, it could be in my garage, or almost anywhere." Clinton offered to locate the watch "if it is really important, but it's going to take a lot of effort, so don't ask unless you really need it." Clinton was asked to look for the watch after the interview and contact the interviewing agents if he located it. Clinton agreed to do so.

Clinton asked if Tommy Gambino was in trouble and if he was involved in something Clinton should know about. He stated that as far as he knew, Tommy Gambino is very clean.

Clinton advised he is currently trying to buy a house in the Torrance, California area and Tommy Gambino has offered to loan him an undisclosed amount of money for the down payment. This loan is not compensation for his assistance to the Gambino's in attempting to get Rosario Gambino released from prison. The offer is for a loan which must be repaid. It is not to give Clinton the

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Continuation of FD-302 of Roger C. Clinton, On 9/30/99, Page 6

money. This offer was made regardless of the outcome with Clintons efforts to obtain Rosario Gambino's release.

Clinton repeatedly asked if Tommy Gambino was in trouble. He said he felt very uncomfortable about giving information about Tommy Gambino because he was a friend. Clinton stated he learned in prison not to "rat" on people. He said he is very uncomfortable giving the reporting agents any names unless he is given a very specific reason for the need. Clinton stated "I don't even have to talk to you guys." The reporting agents acknowledged Clinton's comment, and again thanked him for his cooperation and answering questions.

Clinton stated that he does now own a silver Rolex watch. He bought it from an unknown street vendor in front of a "rainbow" or "multicolored" hotel in Tijuana, Mexico. He paid \$250 dollars for the watch in cash and has no receipt of the purchase. He could not provide either the name, street address or approximate location of the hotel.

Clinton went inside the residence and returned with the watch he purchased in Mexico. The watch is a Rolex Oyster Perpetual Date Explorer II, with an expandable silver band. On the reverse side of the face, a faint serial number 16570 appeared below the Rolex logo inside the green medallion.

At this stage in the interview, the interviewing agents advised Clinton of the provisions of Title 18, U.S. Code Section 1001 and the criminal exposure of making false statements to federal agents. Clinton was informed it was a violation of law to provide false information to federal law enforcement officers and that he could be prosecuted, fined and imprisoned for doing so. Clinton was then asked, after being advised of Title 18, U.S. Code Section 1001, would he care to change or otherwise amend any of his previous statements, and Clinton replied "No," he was comfortable with what he had said.

Clinton was asked about his business travel. He stated that he has made a number of business trips to foreign countries over the last few years. Clinton stated that he is a musician and plays with a six piece band. He has received invitations from Presidents and other foreign government leaders from between 10-12 different countries. Clinton advised he knows he receives these invitations strictly because he is the First Brother of the President of the United States. Clinton advised that the President

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Continuation of FD-302 of Roger C. Clinton, On 9/30/99, Page 7

is aware of the invitations, in general, but may not know each time he takes a trip. Clinton stated that when he receives an invitation to visit a country he is often offered money by the country to make the trip. He stated that he would not accept the invitation unless he could earn the money. He insists on performing with his band while visiting the country. He is a musician and wants to be recognized for his music. Clinton stated he receives a minimum of \$25,000 per performance when he travels. He may play a few nights during a given trip. He likes to perform for children during these trips and attempts to make those arrangements.

Clinton stated he has traveled to South Korea approximately six times. He has gone as the personal guest of President Kim Dae Jong (phonetic). He has been paid as much as \$200,000 for performing on a trip. He has also traveled to Japan, Argentina and 8 to 10 others countries. Clinton stated that the country extending the invitation usually pays for him and his six piece band to fly to the country and perform. The host country usually pays all their expenses and provides a Presidential security detail while they are there.

Clinton stated he has received payment for these performances in a number of ways. He has received payment by check in United States dollars, cash in United States dollars and also in the currency of the host country. Clinton stated in some instances the foreign government even provides extra funds to cover the costs of taxes that would be assessed against the money. Clinton advised he did not want to provide specific details on what exactly he is paid for his performances or the method of payment because that is "personal."

Clinton stated that when he receives an invitation to a country he always calls the National Security Council to get the clearance to make the trip. He stated that they usually say no at the very beginning, then he talks them into agreeing to let him make the trip. Clinton stated that he always provides the Security Council with an itinerary whenever he makes one of these trips. Clinton advised that he usually does not take his wife on these trips because he considers these trips to be business trips. She has gone on one or two of the trips with him. Clinton stated that just last week they got back from Kazakhstan.

Clinton advised that while he visits foreign countries as their guest he is often presented with all kinds of gifts. Examples he gave were vases, sheep skin rugs and many more he could not

72-BA-96138

Continuation of FD-302 of Roger C. Clinton, On 9/30/99, Page 8

remember. He also received gifts for the President which he has sometimes kept. Clinton advised that in his earliest trips, at the beginning of the Presidents term, he would be offered money for the President from some of the foreign government officials he was visiting. He stated years ago he did not know he could not accept money for the President. Clinton stated he was told by either the President or his staff that he could not bring money back from a foreign country for the President. He advised he was told on a couple of occasions to send the money back because the President was not allowed to accept money from a foreign country.

Clinton was asked if he reported the money he earned on his foreign country visits as income on his United States tax returns. He stated that yes he reported the income. He was asked if he claimed the expenses on his tax returns as well. Clinton stated that he only claimed the expenses that he actually paid for on his tax returns. Clinton further advised that years ago he had some tax problems. At one point he owed between \$40,000 to \$60,000 dollars in taxes. He made arrangements with the Internal Revenue Service (IRS) to pay of the tax debt, and does not want to have any more problems.

FBI-RC-00008



Memorandum

Subject

Date

Gambino, Rosario
Reg. No. 06235-050

January 31, 1996

To

From

The File

Michael A. Stover
General Counsel
U.S. Parole Commission

On January 30, 1996, I was asked by Commissioner Gaines for advice as to how to proceed with regard to a telephone message that had been taken down for him by the NAB secretary. The message purported to be from Roger Clinton, brother of the President. The message was that Roger Clinton had a "very important" matter to discuss, and that his brother had recommended meeting with Commissioner Gaines. Commissioner Gaines was reluctant to return this telephone call because the case was pending a decision by the National Commissioners under 28 C.F.R. § 2.17. Given the ethical and legal implications of this telephone message, and the impropriety of a National Commissioner accepting telephone calls about a case pending review, I volunteered to return the call for Commissioner Gaines, and to advise his caller as to the Commission's procedures.

With Deputy DAEO Sharon Gervasoni present, I thereupon returned Roger Clinton's telephone call at (310) [REDACTED]. I spoke with a man who introduced himself as Roger Clinton, and who began the conversation by informing me that his brother "...is completely aware of my involvement." Roger Clinton stated that his brother had recommended to him that he not meet with Commissioner Getty (as Roger Clinton had originally sought to do) because Commissioner Getty's Kansas City Regional Office was about to be closed. Roger Clinton informed me that his brother suggested that he contact Commissioner Gaines instead. (I knew about the previous contact with Commissioner Getty's office, and that Roger Clinton is apparently a friend of Rosario Gambino's son Thomas, who also lives in California.)

I informed Roger Clinton that I was returning the telephone call on behalf of Commissioner Gaines, and that the Privacy Act of 1974 prohibited Commissioners and staff of the U.S. Parole Commission from discussing any case with a member of the public without a signed waiver from the inmate in question authorizing disclosure of file material. I further informed Roger Clinton that Commissioner Gaines could not meet with him because, even if Roger Clinton were an authorized representative of the inmate, he would have to appear before the hearing examiners at a regularly-scheduled parole hearing. (Roger Clinton had a copy of the hearing summary in this case, and was aware that a

USPC/Gambino, N. J.

EXHIBIT

hearing had just been held in December.) I explained the Commission's procedures whereby hearing examiners make recommended decisions after hearing presentations on the record, and that Commissioners vote and make their decisions without meeting with prisoners' representatives. I explained that, in this respect, the Commission operates like a court of law.

Roger Clinton evinced his strong disappointment upon learning that he could not meet with Commissioner Gaines about this case. He complained that he had been given inconsistent advice, because he had already set up a meeting with Hearing Examiner Sam Robertson in the Kansas City office, who allegedly promised him that Commissioner Getty would be there. I informed him that such a meeting would not have been appropriate. Roger Clinton then asked me how it could be that the President would be misinformed as to the law, and emphasized that the President had suggested that he should meet with Commissioner Gaines, "...a friend of ours from Arkansas." Roger Clinton professed his bewilderment as to how the President would not be knowledgeable as to the law with regard to the propriety of this suggested meeting. He stated that he would have to inform his brother that his brother had been wrong. I replied that it would be an honor for me to be advising the President of the United States, directly or indirectly, as to the law. Roger Clinton again stated that he would have to report this information to his brother, who would be "glad to know" what I had said. During this colloquy, however, Roger Clinton's voice rose, and betrayed the fact that he was upset with what I was saying.

I concluded the conversation by informing Roger Clinton that the proper course for him to take would be to submit a letter to the Commission, addressed to Vice Chairman Clay, presenting his views as to how the Commission should decide Mr. Gambino's case. I informed Roger Clinton that any interested member of the public could do this. I also informed him that the Commission could grant parole, deny parole and schedule a rehearing at the normal time, or remand the case for another hearing if information requiring a remand were brought to their attention. I told Roger Clinton that he could ask the Commission to remand the case for another hearing, and that if such a hearing were ordered, that he (Roger Clinton) could appear and be heard, if he were to be selected by the inmate as his authorized representative.

At several points in the above conversation, Roger Clinton stated that he wished only to know what the correct procedures were, and to do everything in the proper way. However, both the Deputy DAEO and I are disturbed at the tactic employed by Roger Clinton of repeatedly invoking his brother as having (allegedly) recommended that he meet with Commissioner Gaines on the basis of that Commissioner being "...a friend of ours from Arkansas." The U.S. Parole Commission must not permit itself to be subjected to improper attempts to exercise political influence over its procedures. (Roger Clinton did not address himself to the merits of the case itself.) If Roger Clinton sends the Commission a letter that repeats these suggestions of political influence, I intend that the letter be referred immediately to the Deputy DAEO for review rather than admit it into the record. Although Roger Clinton is a member of the public who has the right to communicate his views to the Parole Commission, the Commission should not allow the fairness of its deliberations to be placed in doubt through inclusion in the record of any communication

that gratuitously introduces the factor of a potential political influence into the case. My preference is for the Commission to vote a decision based only on the facts of the Gambino case, and without reference to this episode.

Finally, I have discussed the situation with Commissioner Gaines, who agrees that the Commission should be shielded, if at all possible, from the unwelcome intrusion of a man who would appear to have nothing to contribute to the Commission's deliberations in the Gambino case but a crude (and I hope unauthorized) effort to exercise political influence. Commissioner Gaines is prepared to vote on the Gambino case, as scheduled, based solely on the file information. Neither I nor the Deputy DAEO find any reason for Commissioner Gaines to recuse himself in this matter, given his correct refusal to permit Roger Clinton to speak or meet with him.

MAS/ae

120
120
240
72
312

Roger Clinton

Very Important

(310) [REDACTED]
ASAP -
He: Brother Recommended
Meeting -

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

Majority (202) 225-5074
Minority (202) 225-5051

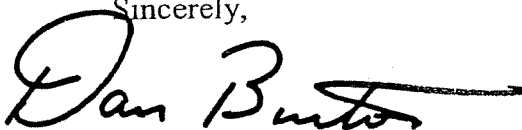
February 15, 2001

The Honorable William J. Clinton
Office of Former President Clinton
Washington, D.C. 20503-0730

Dear Mr. Clinton:

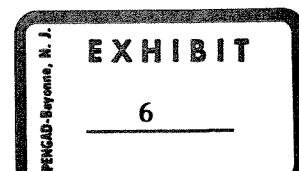
The Committee on Government Reform has been conducting an investigation of pardons issued by you to Marc Rich and Pincus Green. In order to arrive at a more complete understanding of the facts of this matter, the Committee respectfully requests that you waive all potential claims of privilege that you might be able to assert over communications pertaining to the pardons of Mr. Rich and Mr. Green. As you are aware, President Reagan waived potential claims of privilege during investigations of the Iran-Contra matter, and it is my hope that you will take the same step in this inquiry.

Sincerely,



Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Member
David E. Kendall, Esq.



LAW OFFICES
WILLIAMS & CONNOLLY LLP

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WASHINGTON, D. C. 20005-5901

(202) 434-5000

FAX (202) 434-5029

EDWARD BENNETT WILLIAMS (1920-1988)
PAUL R. CONNOLLY (1922-1978)

DAVID E. KENDALL

(202) [REDACTED]
[REDACTED]

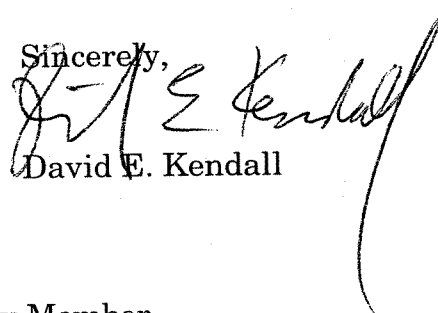
February 27, 2001

The Honorable Dan Burton
Chairman
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Mr. Chairman:

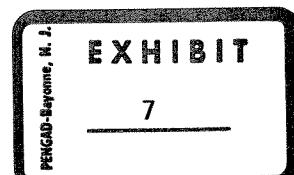
Former President Clinton has requested that I respond to your letter to him, dated February 15, 2001, copied to me, requesting him to waive all Executive Privilege claims he might be able to assert with respect to the testimony of former White House officials "over communications pertaining to the pardons of Mr. Rich and Mr. Green." He has asked me to inform you that he will interpose no Executive Privilege objections to the testimony of his former staff concerning these pardons, or to other pardons and commutations he granted.

Sincerely,



David E. Kendall

cc: The Honorable Henry A. Waxman, Ranking Minority Member
Judge Alberto R. Gonzales, White House Counsel





National Archives and Records Administration

8601 Adelphi Road
College Park, Maryland 20740-6001

June 21, 2001

Mr. Jim Wilson
Committee on Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

By Facsimile

Dear Mr. Wilson:

On June 7, 2001, the National Archives and Records Administration (NARA), in accordance with the Presidential Records Act (PRA), 44 U.S.C. § 2205(2)(C), provided the Committee on Government Reform with approximately 38 file folders containing Presidential records of the Clinton Administration in response to paragraph one of the March 8, 2001, request from Chairman Burton. That paragraph requested all records relating to the consideration of executive grants of clemency for a list of 18 individuals.

As we discussed on the phone, some of the records that were provided to the Committee were inadvertently produced. Accordingly, we now request the return of these records, and any copies made thereof. Attached to this letter is a list of the records, by file folder, that had been inadvertently produced. We would be happy to assist you if you have any further questions about which particular documents are involved.

We very much regret the processing error that resulted in this inadvertent release, and greatly appreciate your cooperation in facilitating the return of these records. (We will be contacting the Minority staff on this matter as well.)

Sincerely,

GARY M. STERN
General Counsel

Cc: Brett Kavanaugh, Associate Counsel to the President

Attachment



ATTACHMENT

The following is a list of Presidential records, by file folder, that were inadvertently provided to the Committee. Except as itemized in item 6, the entire contents of each folder were inadvertently produced.

1. Counsel's Office – Emily Karcher/Beth Nolan, OA 24963 (loose material)
2. Counsel's Office – Emily Karcher/Beth Nolan, OA 24963 (loose material)
3. Counsel's Office – CF 2031 – Charts
4. Eric Angel – OA 24522 Folder.
5. Meredith Cabe – Counsel's Office CF 2031 – DOJ Denials & Comm. - Vignali
6. Meredith Cabe – Counsel's Office CF 2034 – DOJ materials – New Square (deliberative documents: Facsimile cover sheet from Deborah Landis, DOJ, to Beth Nolan, Memo from Landis to Nolan, 1/16/01, including 10 pages of sentencing transcript; Facsimile cover sheet from Lorraine Lewis, OIG, Dept. of Education, duplicate copy of Landis to Nolan, 1/16/01 memo, including sentencing transcript)
7. Counsel's Office – Bruce Lindsey – OA 21524 Folder Title: Misc. Pardon Material
8. Counsel's Office – Bruce Lindsey – OA 24817 Folder Title: Pardons Misc.
9. Counsel's Office – Bruce Lindsey OA 21523 Folder Title: General Pardon File
10. John Podesta – OA 22060 Folder: Briefing Materials December 2000- January 2001
11. Staff Secretary – OA 22085 Monday, November 20, 2000
12. Staff Secretary Chron. December 12- 19, 2000 OA 22086 Folder: Tuesday, December 19, 2000
13. Staff Secretary Chron. December 12- 19, 2000 OA 22086 Folder: Friday, December 22, 2000
14. Staff Secretary Chron. December 12- 19, 2000 OA 22086 Folder: Thursday, December 28, 2000
15. Staff Secretary Chron. December 12- 19, 2000 OA 22086 Folder: Tuesday, January 2, 2001
16. Vignali, Carlos & Others - Charts

REPORT TO THE PRESIDENT
ON PROPOSED DENIAL OF EXECUTIVE CLEMENCY FOR
CARLOS ANIBAL VIGNALI, JR.

Offense: Conspiracy to distribute cocaine; using facilities in interstate commerce with intent to promote a business enterprise involving narcotics; illegal use of communication facility to facilitate commission of a controlled substance offense.

Sentence: 175 months' imprisonment; five years' supervised release.

Date: July 17, 1995.

District: Minnesota.

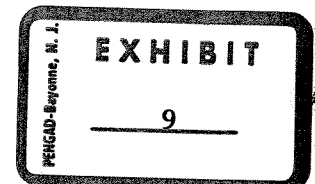
Relief sought: Commutation.

Summary of essential facts:

From the mid-1980's to November 1993, Gerald Williams operated a major powder and crack cocaine distribution organization in the Minneapolis/St. Paul area. Beginning in 1992, Williams' main source of supply was California resident Dale Evans, who, in early 1993, began obtaining his cocaine from petitioner and another co-conspirator. Law enforcement authorities conducted a six-month wiretapping investigation, which intercepted conversations among petitioner, Evans, Williams, and others, discussing shipments of cocaine to Minnesota. One of those shipments, which contained six kilograms of the cocaine, was intercepted by postal inspectors in October 1993. During that same month, petitioner also sold three kilograms of cocaine to another major Minnesota distributor, Todd Hopson, who cooked the powder into crack for sale.

In December 1993, the government filed a 34-count superseding indictment, charging petitioner and 30 codefendants with various offenses in connection with the trafficking conspiracy. Petitioner was the sole Hispanic defendant; all of the others were African-American.¹ Most pleaded guilty; only petitioner and three others went to trial. The jury convicted petitioner of conspiracy and two substantive counts, while acquitting him of a third substantive count.

¹Petitioner's defense counsel used this fact to argue his client's innocence to the jury, characterizing the case as involving a "black drug dealing network," and emphasizing that petitioner was not black.



The presentence report recommended that petitioner receive a two-level enhancement for role in the offense, as well as a two-level enhancement for obstruction of justice due to his commission of perjury during his trial testimony, which would have resulted in a sentencing range of 235-293 months imprisonment. The sentencing court declined to follow either recommendation, reducing the range to 151-188 months, but imposed a sentence of 175 months after finding that petitioner's "role as a supplier of cocaine tends to make him more culpable and warrants a sentence in the upper end of the guideline range."

The Eighth Circuit affirmed petitioner's conviction, rejecting *inter alia* petitioner's claims of improper joinder and "vouching" by the prosecution for the credibility of its witnesses. The appellate court agreed with the district court that "there was considerable evidence of Vignali's guilt." Petitioner then filed a motion pursuant to 28 U.S.C. 2255, collaterally attacking his conviction on the grounds of ineffective assistance of counsel, which was denied by the district court. The Eighth Circuit refused his request for a certificate of appealability of the court's ruling.

Petitioner has two 1989 convictions, for fighting in a public place, for which he received a \$183 fine and vandalism, for which he received 12 months probation. The conduct on which the latter conviction was based appears to have been associated with his admitted membership in the "West Covina Mob," a Los Angeles gang. He also has a 1988 arrest for reckless driving (disposition unknown) and a 1990 arrest for inflicting corporal injury on a spouse or cohabitant (case dismissed).

Grounds for clemency:

Now 28 years old and projected for release in August 2007, petitioner seeks clemency primarily on the grounds of innocence, maintaining that his \$25,000 loan to a friend was misconstrued as a drug deal. He argues that he was convicted solely on the basis of "misinterpreted" recorded telephone conversations and the "highly rewarded" testimony of a co-conspirator. He also complains that he had no prior contact with the state of Minnesota and that he was acquainted with only two of his 29 co-defendants. Finally, he contends that the 175-month sentence "for a 21 year old, first time, nonviolent offender with no significant prior record is unwarranted."³

Two United States congressmen from California have expressed interest in petitioner's case. Congressman Estaban E. Torres wrote in support of clemency for petitioner on the grounds he had "no prior criminal record" and that the government had failed to prove its case:

²Petitioner did not disclose these arrests on his commutation petition, although the application form requires such disclosure.

³It should be noted that petitioner was 24 years old at sentencing and 22 years old at the time of most of the conduct for which he was convicted.

Neither drugs nor drug money was found in Carlos's possession. Carlos had simply loaned money to a friend, who happened to be involved in the sale of narcotics. At trial, the evidence offered against Carlos was misinterpreted telephone recordings between Carlos and his friend and the testimony of another alleged co-conspirator, who had negotiated a reduced sentence in exchange for his testimony.

Congressman Xavier Becerra telephoned the Office of the Pardon Attorney in connection with petitioner's application and requested an explanation of clemency procedures.

Official comments:

United States Attorney B. Todd Jones strongly opposes clemency for petitioner, noting that petitioner's persistent claims of innocence are undermined by strength of the evidence presented against him:

Th[e] testimony [of the cooperating coconspirators] was consistent and independently corroborated by the Title III wiretap interceptions, search warrant evidence and police surveillance. The evidence clearly established that Carlos Vignali, Jr. was a member of the charged drug conspiracy and facilitated the distribution of narcotics in the Twin Cities by supplying Evans, Williams and Hopson with substantial quantities of cocaine from Los Angeles, California.

Mr. Jones noted that the two main cooperating coconspirators, Williams and Evans, received sentences of 180 months and 95 months respectively. He concluded by stating:

The sentence imposed by Judge Doty reflects the seriousness of the defendant's role in a large scale narcotics conspiracy as the California source of cocaine to Evans, Williams, and Hopson. To my knowledge Vignali has refused to accept personal responsibility for his criminal activities and has never expressed sincere remorse for his conduct. In light of the exacting standards generally applicable in pardon cases, this case does not warrant such a commutation.

Reasons for denial:

In applying for clemency, petitioner has to a large degree merely recycled arguments already rejected by the jury and the courts. He continues to deny his guilt, and his petition contains misleading statements and misstatements of fact. As for his allegation that he has no connection to Minnesota, the jury convicted him of the offense of supplying large quantities of cocaine to distributors in that state. Moreover, his contention that his sentence is excessive fails in light of the sentencing record, which establishes that the district court accorded him leniency in refusing to adopt two enhancements recommended by the presentence report. For all these reasons, I recommend that you deny his petition.

Respectfully submitted,

Roger C. Adams

Paralel Attorney

Date: 1/12/01

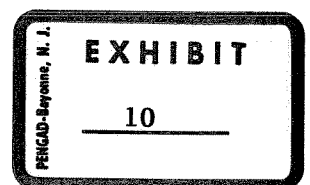
Need to Xc
for Bruce.

Definitely isn't
simply making
a loan -
do we believe
the gang thing?
USA is actually
against -
maybe we
should call
the recs we've
been told of.

THE WHITE HOUSE
WASHINGTON

Hugh says this is very important to him and the First Lady as well as others.

Shirley Baca ^{from LA} is more than happy to speak with you about him but is uncomfortable writing a letter offering his full support.



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REPORT TO THE PRESIDENT
ON PROPOSED DENIAL OF EXECUTIVE CLEMENCY FOR
HARVEY WEINIG

Offense: Conspiracy to commit money laundering; misprision of felony.

Sentence: 135 months' imprisonment; three years' supervised release; criminal forfeiture.

Date: March 22, 1996.

District: Southern New York.

Relief sought: Commutation of sentence.

Summary of essential facts:

In May 1993, petitioner, a New York attorney who specialized in commercial litigation, established the law partnership of Hirsch Weinig in Manhattan with attorney Robert Hirsch. The two men had been partners in another law firm that dissolved due to financial difficulties, and both continued to represent certain clients with whom they had previously established professional relationships. One of the clients Hirsch continued to assist was Tohmes Peter, a resident of Germany who was part of an international network (eventually numbering approximately 30 people, including petitioner and Hirsch) that had been engaged for about two years in laundering millions of dollars annually for Colombian drug traffickers reportedly involved with the Cali cartel.¹

In October 1993, Hirsch requested petitioner's help in retrieving for Peter \$267,830 in cash that had been seized in Puerto Rico by Drug Enforcement Administration (DEA) agents from one of Peter's couriers, and a suitcase containing another \$260,000 that the courier had stored at the Sands Hotel there. Petitioner recruited one of his clients, a "street smart" former fireman turned small businessman named Richard Spence, to travel to Puerto Rico to reclaim the suitcase of cash from hotel security personnel. Spence accepted the assignment and went to Puerto Rico but was unsuccessful in obtaining the valise of cash from the hotel. During the next several weeks, petitioner and Hirsch filed a civil action in the Eastern District of New York against the Sands Hotel on behalf of the courier alleging that the hotel had mishandled the suitcase, and Hirsch traveled to Germany to confer with Peter about the courier operation. Upon his return, Hirsch, petitioner, and Spence developed a plan under which Spence agreed to

¹By the conclusion of their investigation, federal authorities amassed evidence indicating that the ring laundered approximately \$50 million between 1991 and late 1994.

EXHIBIT

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supervise the courier operation,² take custody of the cash that the couriers transported through the United States and Canada for the Colombian drug traffickers, and deposit the funds in bank accounts controlled by him or the firm of Hirsch Weinig. Spence, Hirsch, or petitioner would then wire the funds to foreign bank accounts, primarily in Switzerland, that were controlled by other members of the conspiracy, who in turn would transfer the funds to bank accounts designated by the Colombians. The three men further agreed that they would divide the profits derived from Spence's work equally among them, with each receiving one-third of the commission paid on each transaction.³

In early 1994, as petitioner and his associates deepened their involvement with the money laundering operation, the DEA, FBI, and New York City Police Department began a joint investigation of the ring, utilizing physical surveillance, court-authorized wiretaps of telephone lines, and undercover operations, among other methods, to gather evidence. Early in the year, petitioner and Hirsch directed one of their law firm's associates to incorporate Transglobal Import Export Trading Company, Inc. on Spence's behalf so that he could open a corporate bank account through which to process the cash delivered by the couriers. Thereafter, petitioner and Hirsch decided to begin using the Hirsch Weinig attorney trust account for laundering purposes as well. Hirsch and several of the European members of the conspiracy met twice in Switzerland during the first half of the year to discuss the ring's business, and Spence, Hirsch, and, less frequently, petitioner, routinely wired to foreign banks the money the couriers delivered to Spence. In all, Spence, Hirsch, and petitioner laundered approximately \$19 million for the Colombian drug dealers between 1993 and 1994.⁴ Moreover, after DEA agents made seizures totaling more than \$2.5 million from three of the ring's couriers in Houston, Texas in January 1994,⁵ Hirsch and petitioner filed a series of fraudulent claims of ownership with DEA on behalf of Spence seeking return of these funds, as well as the money confiscated in the October 1993 seizure in Puerto Rico. In each instance, Spence swore that the funds were his and represented business trip expense money or the proceeds of overseas sales of precious stones and metals.

In April 1994, Spence, Hirsch, and petitioner decided to augment their commissions by stealing and splitting some \$2.4 million of the drug-trafficking proceeds they were supposed to

²Among the couriers Spence supervised for the ring were a New York City police officer, a New York City fireman, two purported rabbis, and a hospital administrator. This last courier, Gary Salerno, also acted as an enforcer for Spence.

³Approximately one year later, in a tape-recorded conversation with Hirsch in November 1994, petitioner recalled that "we schlepped forward because [Spence] was the only game in town. He was the only person we knew who could . . . get money to a bank. And we had no alternatives We talked about it but we had none, so we used Dick. We understand what it was." He further opined, however, that "[Spence] cut a bad deal for himself. . . . When it started, a third, a third, a third was not the right deal. . . . He was taking the phone calls, he was picking up the money, he was sending the money out. He was doing everything. . . . Basically, what we were was a funder. That changed, but initially, a third, a third, a third, was not the right deal. . . ."

⁴Petitioner received approximately \$1 million from the operation, and stored some of this money in the Manhattan apartment he shared with his wife and two young sons and in the family's summer home on Long Island.

⁵In all, law enforcement authorities seized nearly \$5 million from the ring's couriers during their investigation of the money laundering conspiracy.

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launder.⁶ To cover up the theft from the Colombian drug traffickers, Hirsch created a bogus indictment and a fraudulent seizure order naming Spence as a criminal defendant from whom the money had been seized by the DEA. When the drug traffickers discovered later that year that shortages existed in the laundered funds,⁷ they began to put pressure on various members of the money laundering ring. In August and September 1994, Hirsch received several complaining and threatening telephone calls from his Colombian contacts; in September, DEA agents learned that one of the Colombians had threatened to kidnap and kill Hirsch or a member of his family. Law enforcement officials thereupon contacted Hirsch, who immediately agreed to cooperate with the government in its investigation. Thereafter, between September and November 1994, he recorded his conversations with his co-conspirators, including petitioner.

After conferring about the shortage, Hirsch, petitioner, and Spence decided it would be best to repay the Colombians. On September 20, 1994, petitioner gave Hirsch \$200,000, which Hirsch deposited in Spence's bank account so that it could be wired to the Colombians. Two days later, petitioner told Hirsch that their principal Colombian contact had called their law office and left his telephone numbers for Hirsch. Hirsch and petitioner further discussed the problems presented by their outstanding debt, and petitioner assured him that if necessary, they could pay down the debt using money from accounts the two men had in Switzerland⁸ or from the firm's escrow accounts. At the end of the month, petitioner and Hirsch had further discussions about their payment problem, and on October 4, 1994, petitioner gave Hirsch another \$250,000.

While the conspirators were attempting to resolve their indebtedness to the Colombians, Spence sought to obtain repayment of a bad debt of his own. He had previously purchased part interest in a mortgage company from James Clooney for \$237,000 and had come to believe that he had been swindled. When Clooney did not repay him, Spence had Gary Salerno, see note 2, *supra*, and two other men kidnap Clooney on Saturday night, November 12, 1994, to force him and his family to raise the money. The kidnappers held Clooney in a series of hotel rooms in the New York metropolitan area until Wednesday morning, November 16th. In the interim, Clooney's parents and girlfriend had been negotiating with Spence's representative, Richard

⁶In a recorded conversation with Hirsch in October 1994, petitioner explained his rationale for their theft of the drug traffickers' money:

And all of a sudden, someone says to me, I can put a million in cash in your . . . attic. I do a quick analysis, and understand that if everything else goes wrong in the world for the rest of my life, a million in cash takes care of everything I'll ever need. . . . And so I said, I'm dealing with people, and I remember this was . . . my approach. We're dealing with people who are total assholes, who are out of control, who are scumbag, lying, cheats. And I am gonna be in this for the long haul? Fuck 'em! Fuck 'em! I'm taking a million dollars and let's . . . see you get it from me. That was my approach. . . . This is not, this is dealing with normal Americans (*sic*). This is dealing with guys I wouldn't take a telephone call from.

⁷Petitioner and his immediate associates apparently were not the only members of the laundering operation who took the opportunity to skim money. In a conversation with Hirsch in September 1994, Tohmes Peter estimated that the ring owed the Colombians approximately \$9 million "plus penalties and interest."

⁸The government's investigation revealed that petitioner and Hirsch maintained two numbered accounts at Bank Leumi in Switzerland, whose aggregate balance at the time of this conversation was about \$320,000.

Messina, and the parties ultimately agreed that Clooney and his girlfriend would sign over various property to Spence in a meeting at the Hirsch Weinig law firm that afternoon.

Although petitioner was not initially aware of the kidnapping, he had learned of it from Spence by November 15th, on which date he told Hirsch about the crime in a recorded telephone conversation. Explaining that Spence had "seized a person" and describing Clooney as being held "in protective custody," he told Hirsch that Clooney would "be released as soon as his family produces money" Hirsch worried that Clooney would contact the authorities, but petitioner commented, "Well, he's not in a position to call the [p]olice at this point (UI), right?"⁹

In a second conversation with Hirsch recorded on November 16th, petitioner related that he had learned from Spence that the kidnapping was "falling apart" because Clooney's relatives had "[a]pparently" notified law enforcement authorities. To Hirsch's expression of concern that the kidnappers would be arrested, petitioner replied, "I don't really care. I, I mean, what do you care really?" He further described to Hirsch what Spence had asked him to do and how he had responded: "'Here's the thing, what I want you to do is pursue all legal means of securing my debt from [the Victim], and I said 'fine.' And that's what we're doing, you know, we're filing the deed, we'll file the letters of claim. He owes Dicky \$200,000, we're lawyers.'" When Hirsch emphasized that he did not want to be involved in a kidnapping, petitioner replied,

We're not involved. We're not involved in a kidnapping. We don't know anything about a kidnapping. All we know, remember the last thing that happened is that Messina called me and said, "call the girlfriend of [the Victim], she has some Peter Max paintings (UI)," and I said, that's Good, and I, and I had [The First Associate] call her and (UI), but basically I agree one hundred percent, we don't want to be involved in a kidnapping.

As the conversation about the kidnapping continued, petitioner insisted repeatedly that "we didn't do it," and stated, "I don't know anything about it. That's my position. I don't know anything about it." He acknowledged: "If he tells me a crime is going to be committed, then I have an obligation, I have to disclose it or go to the authorities." However, petitioner asserted: "But he didn't do that. He just talked to me a few times about, 'I couldn't just sit around and wait, so I had some goons go talk to the guy and they're gonna make sure that the money comes this week.'" When Hirsch inquired whether he was "going to proceed" with what petitioner termed "the civil" matter involving Clooney, petitioner opined, "Whether or not (UI) was arrested, he still has an indebtedness of \$237,000, right? . . . I mean, it doesn't take away from the fact that he gave someone \$237,000, and they didn't pay him."

On the same day, petitioner instructed two junior attorneys in his firm to meet with Clooney and prepare the documents by which Clooney could assign Spence security interests in his house and certain artwork. In the late afternoon of November 16th, Clooney and his girlfriend brought several paintings and the deed to Clooney's house to the law firm. There, they met with

⁹The recorded conversations were transcribed by the government in preparation for trial. Quotations from the conversations that appear in this report are taken from these transcripts. The designation "UI" in a quotation stands for "unintelligible."

the assigned lawyers, Clooney paid \$7,900 to Spence's associate, Richard Messina, and he and his girlfriend executed documents to assign security interests in the property to Spence's wife.

On November 29, 1994, law enforcement agents obtained arrest warrants for petitioner, Spence, and their co-conspirators, including several foreign nationals, and search warrants for a number of locations, including the Hirsch Weinig law office and petitioner's apartment and summer home. See note 4, *supra*. Petitioner was arrested the following day and released on bail.¹⁰ Like Hirsch, Spence began cooperating with the government immediately upon his arrest, but petitioner declined repeated requests from prosecutors for assistance. He ultimately was indicted with multiple co-defendants in the United States District Court for the Southern District of New York and charged with conspiring to launder narcotics proceeds, 15 counts of money laundering, two counts of interstate transportation of stolen money, wire fraud, three counts of making false statements, and criminal forfeiture.¹¹ He was also charged in a separate indictment with interference with commerce by extortion based upon his involvement in the Clooney kidnapping and ransom plot.

Petitioner announced his intention to proceed to trial, but on September 20, 1995, shortly before trial was due to begin and well after his primary co-conspirators, including Hirsch and Spence, had pled guilty, he negotiated a plea bargain with the government. He agreed to plead guilty to the indicted charge of conspiring to launder monetary instruments and to an information charging him with misprision of felony for failing to promptly report the extortion scheme that targeted James Clooney. He further agreed to forfeit his interest in certain property in satisfaction of the forfeiture count of the money laundering indictment.¹² In return, the government agreed to dismiss all other charges against him. The parties further stipulated that the value of the funds laundered by petitioner and his confederates was \$19 million, that petitioner's applicable sentencing range was 108-135 months,¹³ that neither an upward nor a downward

¹⁰The ensuing prosecution of the money laundering ring received media coverage in a number of national newspapers.

¹¹The initial indictment returned against the ring in December 1994 charged one count of conspiracy to commit money laundering and one count of criminal forfeiture. After further investigation, additional substantive counts were added by the return in April 1995 of a superseding indictment.

¹²The property included his summer home, the contents of various Swiss and United States bank accounts, the assets of his law firm, and some \$940,000 in cash that Hirsch had turned over to the government.

¹³The sentencing range was calculated in the following manner. Because the two offenses to which petitioner pled guilty were not related for purposes of the guidelines, they could not be grouped together. According to the guideline for money laundering, U.S.S.G. § 2S1.1, petitioner's base offense level for that offense was 20. This offense level was adjusted upward by a total of 14 levels due to the value of the funds laundered, the fact that petitioner knew or acted with conscious disregard to avoid learning that the funds were the proceeds of narcotics trafficking, and petitioner's use of his special skills as an attorney in committing the offense. Pursuant to the guideline for misprision of felony, U.S.S.G. 2X4.1, petitioner's offense level for that crime was 15 (the level was determined by reference to the guideline for the underlying felony of extortion and upward adjustments based upon the value of the property that was extorted and the abduction of the victim). Under U.S.S.G. § 3D1.4(c), which determines combined offense levels, petitioner's offense level of 34 for money laundering was not increased by virtue of the misprision offense, but the misprision did "provide a reason for sentencing at the higher end of the sentencing range for the applicable offense level." Finally, the parties agreed that petitioner should receive a three-level downward adjustment for accepting responsibility, resulting in a final offense level of 31. Since he had no other criminal record, petitioner's sentencing range was 108-135 months.

departure from that range was warranted, and that neither party would seek a departure. The agreement did not include any reference to cooperation by petitioner with the government, or any statement suggesting that the government would consider filing a motion for downward departure on petitioner's behalf based upon substantial assistance by him.

On September 21, 1995, petitioner entered his guilty plea to the money laundering conspiracy and misprision charges. After an extended colloquy with the court establishing the knowing and voluntary nature of the plea and his understanding of the specifics of the bargain, he gave a detailed statement outlining his involvement in both the money laundering operation and the extortion scheme. Petitioner represented that he originally believed representations made by Hirsch that Tohmes Peter was an entrepreneur engaged in the "worldwide distribution of parallel market or grey market goods, including electronic equipment, computer equipment, health and beauty aids, and other commodities." However, he conceded that "[f]rom the very start, . . . [he] had misgivings about the highly unconventional nature of the activity in which [Peter] was engaged," and that "[a]s time went on, [he] deliberately ignored obvious indications that these monies were, in fact, the proceeds of illicit drug transactions, and eventually [he] was fully aware of this fact."¹⁴ Petitioner further admitted:

Notwithstanding my knowledge, belief and conscious avoidance of the obvious, I participated to the extent that I was asked in the facilitation of wire transfers of these funds. I eagerly and greedily shared in the proceeds of the transactions which were allocated as commissions, including a substantial portion of money that was withheld from the client.

Regarding the misprision of felony offense, petitioner admitted that although he had been out of the country from November 9-13, 1994, he learned "[w]ithin the first few days after [his return] to New York . . . that Spence had sent several individuals to seize Mr. Clooney in an effort to compel him to return the money that he had wrongfully taken." Petitioner further acknowledged that on November 16, 1994, he "was advised that Clooney would be coming into [petitioner's] office that afternoon to transfer the artwork and real estate . . . to secure Spence's investment," that he "instructed two of the lawyers in [his] office to prepare the necessary documentation and meet with Mr. Clooney when he arrived at the office," and that the lawyers reported to him what had occurred after the meeting was over. Petitioner also admitted that he did not report the kidnapping and extortion to any law enforcement authority or any court even though he was a practicing attorney at the time and had not been forced by anyone to take these actions.

Between his guilty plea and sentencing, petitioner apparently offered to cooperate with the government, took part in November 1995 in a debriefing session concerning the money laundering operation, and advised prosecutors that Hirsch had violated his own cooperation agreement with prosecutors and had made plans in early 1995 to flee the United States. The

¹⁴Among the indicia of illegality of which petitioner admitted he was aware were the following: "The DEA . . . was saying that the money was drug related"; the "highly unconventional manner in which the money was received, often small denominations of cash in plastic bags"; the "highly unconventional locations, . . . [h]otel rooms, street corners and empty cars in parking lots where the money was transferred"; the "fact that [his] office never saw documents that would ordinarily underlie a commercial transaction"; and "the fact that [he] was receiving what [he] perceived to be an unreasonably large amount of money in relation to the business being conducted."

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government, however, had already learned of Hirsch's violations of the cooperation agreement and had moved to revoke his bail in May 1995,¹⁵ well before petitioner's guilty plea. Prior to his scheduled sentencing date, some 52 friends and professional associates of petitioner and his wife, including former state prosecutors, a law professor, and an associate dean of the City University of New York Law School, wrote to the sentencing judge to urge leniency for petitioner, citing his overall good character, his history of kindness to others and generosity in providing money and free legal assistance to persons in need, and his closeness to his family.

On March 22, 1996, petitioner was sentenced to a term of imprisonment of 135 months, at the top of the sentencing range that he had stipulated applied to his conduct.¹⁶ In imposing this sentence, the district judge addressed petitioner and his counsel as follows:

What you are facing is something that you were conscious or you got yourself into. . . . [Y]ou look on a person to be sentenced, not only as a human being, but as to what he has done to society. The suggestion has been made that you are a very altruistic person, that you are a great guy and maybe you are two people. I don't know.

Let's start with looking from society's viewpoint at the kidnapping. What would you have done, Mr. Weinig, if your son . . . had been kidnapped and some lawyer knew about it, and knew he could get him out of there, and didn't do anything? You didn't think about that, did you?

I insisted on getting the tape and listening to your conversation with Hirsch when you talk about it, very flip, matter of fact. You couldn't care less, but if it had been your son, you would have cared more.

* * * * *

You apparently were able to divide yourself in two, outside the office and inside. Even when Clooney came in, your attorney says you let it happen. Sure you let it happen, because you went, and you stuck two young associates with the job of cleaning it up.

¹⁵Hirsch apparently continued to engage in money laundering in 1995 while cooperating with the government. Besides pleading guilty to money laundering, bank fraud, and false statements and forfeiting property in connection with the 1993-94 conspiracy in which petitioner was involved, Hirsch also pled guilty to a second, unrelated charge of money laundering based upon his criminal conduct in 1995. He was sentenced to concurrent prison terms of three years in each case, based upon the government's request for a downward departure due to his substantial assistance. According to the United States Attorney, "[t]he predominant reason the Government re-signed Hirsch as a cooperator was to assist in prosecuting [petitioner's] trial. If [petitioner] had admitted his guilt earlier, Hirsch would not have been re-signed as a cooperating witness."

¹⁶Through what was apparently a clerical error, the judgment of conviction lists only the money laundering conspiracy and forfeiture charges and omits the misprision of felony charge to which petitioner also pled guilty.

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What are we talking about? . . . Nineteen million dollars in drugs is a lot of money. That much drugs is a lot of pain. If [your sons] were the ones who were using the drugs, you would be singing a different story, an entirely different song.

Now you ask, [defense counsel], for as much mercy as I can give. You and your client should feel glad that this is a guidelines case and not something more. Not in the old days. Because if it had been in the old days, I would have given him the statutory maximum.¹⁷

Based upon his conviction, petitioner submitted his resignation to the New York bar. In accepting his resignation, the Appellate Division of the State of New York wrote:

Our review of the record in this matter reveals that respondent engaged in a course of conduct that can only be described as shocking and reprehensible for anyone, let alone a member of the bar. Were it not for respondent's application . . . to resign from the bar on the basis that he is the subject of an investigation or disciplinary proceeding for misconduct against which he cannot successfully defend himself, a "serious crimes" hearing would have been held. We have reviewed the respondent's affidavit submitted in support of his application to resign and find that it complies with the Court's rules. It should be emphasized that, based on the extant record, were this respondent to have proceeded to a "serious crimes" hearing, the only appropriate sanction would have been disbarment.

In re Weinig, 642 N.Y.S.2d 654, 656 (N.Y. App. Div. 1996).

Grounds for clemency:

Now 52 years old and having no other criminal record, petitioner has served 54 months of his prison sentence as of October 2000.¹⁸ He is currently projected for release in February 2006.

Born in Brooklyn, New York, in March 1948, petitioner received his Bachelor of Arts degree in English with honors from Hobart College in June 1969. He married his first wife that same year, but the couple separated in 1971 and divorced in 1975. Petitioner received his Juris

¹⁷The money laundering charge carried a statutory maximum of 20 years' imprisonment, while the misprision of felony charge carried a three-year maximum sentence.

¹⁸Petitioner voluntarily surrendered at the Federal Correctional Institution at Fort Dix, New Jersey, on April 19, 1996, to begin serving his sentence and remains incarcerated at that facility.

Doctor degree from Hofstra University in June 1974 and was admitted to the New York bar in May 1975. Between law school and 1976, he was employed by the Community Legal Assistance Corporation at Hofstra University providing legal assistance to the indigent. Between 1976 and the time of his arrest, he was engaged in the private practice of law. During the pendency of his prosecution, he performed legal research on a volunteer basis for Legal Services for the Elderly in Manhattan. In 1980, he married his current wife, who is also an attorney. They have two sons, who are now 17 and 13. By all accounts, petitioner's family is very close-knit and he has been deeply involved in the rearing of his children. According to the presentence report, petitioner was diagnosed with dysthymia, a form of chronic depression, in March 1994, at which time he began a course of drug therapy. In December 1995, following the discovery of a cancerous tumor, petitioner underwent successful surgery to remove his thyroid gland, which was itself determined not to be cancerous. The Bureau of Prisons reports that he currently is "assigned to regular duty status, with no medical restrictions" and that he "has not participated in any counseling groups . . . [but] has utilized the services of the Unit Correctional Counselor when needed." He has maintained clear conduct, is presently assigned to the Wellness Program work detail, and has previously been assigned to the tutor work detail.

Petitioner seeks commutation of his 135-month term to 60 months (five years) based upon the following claims: (1) that his sentence is "unconscionably disproportionate to the sentences given to his more culpable co-defendants" as well as to money laundering sentences imposed nationwide; (2) that he has made and will continue to make positive contributions to society and does not require additional punishment or rehabilitation; and (3) that his family, particularly his younger son, needs him at home.

Petitioner supports his assertion of sentencing disparity by pointing to the following sentences imposed upon his "more culpable co-defendants": Robert Hirsch - three years' imprisonment; Richard Spence - three years' imprisonment; Tohmes Peter - 97 months' imprisonment; Gary Salerno - concurrent terms of 108 months' imprisonment, imposed in two separate cases which charged Salerno with conspiring to launder monetary instruments and interfering with commerce by threats of violence;¹⁹ Leon and Rachel Weinmann (the Swiss couple who received the money wired by Hirsch, Spence, and petitioner) - one year of unsupervised probation and a \$1,000 fine;²⁰ and various couriers and assistants for the ring who "were sentenced to terms ranging from probation to a prison term of two years and three months." Characterizing himself as "a belated and minor participant in the conspiracy," petitioner asserts that it is "unconscionable" that he "should serve a term of more than 11 years,"

¹⁹Both of these sentences were also ordered to run concurrently with a sentence of 25 years' imprisonment, five years' supervised release, and \$66,672.15 in restitution imposed in an unrelated case by the federal court in the Eastern District of New York in October 1997 for charges of racketeering and collection of credit by extortionate means.

²⁰According to petitioner's presentence report, the Weinmanns pled guilty to a violation of United States monetary transaction reporting requirements while facing pending money laundering charges in Switzerland. After their United States sentencing, the Weinmanns were escorted to a flight to Switzerland and their departure to that country was verified. The United States Attorney's Office agreed to these dispositions at the request of the Swiss government in order to facilitate the Weinmanns' prosecution in what was reported to be the second largest money laundering case in Swiss history.

while Hirsch, "the leader of the money laundering scheme," and Spence, "a major participant in the scheme who had a prior criminal record²¹ and who directed the related kidnapping," were each sentenced to three years' imprisonment because of their cooperation with the government.

He likewise claims that the government "[f]or no apparent reason . . . declined to follow up on" his offer to cooperate and "subsequently denied [him] a 5K1.1 letter which would acknowledge his cooperation."²² Further, representing that he "learned of Mr. Clooney's detention only after Mr. Clooney had been released" (emphasis in original; footnote omitted), petitioner asserts that he "had an ethical obligation not to disclose confidential knowledge of his client's prior criminal acts," and argues that "[t]he sentencing judge, without justification -- and apparently ignoring [petitioner's] ethical obligations to preserve client confidences relating to the prior kidnapping -- imposed the maximum sentence permitted by the guidelines." Finally, petitioner also contends that his sentence is "grossly unfair because he has been punished far more severely than convicted money launderers in other cases." In support of this claim, he relies on statistics from the United States Sentencing Commission's 1998 Sourcebook of Federal Sentencing Statistics, reflecting that the median sentence for money laundering convictions in Fiscal Year 1998 was 24 months' imprisonment. He also contends that the "Sentencing Commission itself has recognized the inequities that have arisen in sentencing in the money laundering context" because of alleged inconsistencies in the charging of money laundering offenses and the application of the guidelines.

Citing the numerous letters his supporters sent to the district court prior to sentencing and 13 additional letters from friends and professional associates submitted in support of his clemency application that recount his many good deeds and kindnesses to others, petitioner maintains that commutation is appropriate because of his "extraordinary history of assisting other people in need." He explains that he has continued his good works in prison through his work as a tutor, law librarian, and instructor in the adult continuing education program,²³ that "[u]pon his release, [he] will seek to continue his public service," that he is interested in "counseling youths

²¹According to a letter from petitioner's trial counsel to the United States Attorney for the Southern District of New York, which was submitted to the Office of the Pardon Attorney as an exhibit in support of the commutation petition, Spence "had an extensive criminal background which was detailed when he testified as a government witness." In the letter, petitioner's counsel represented that in addition to two misdemeanor convictions and various fraud, theft, and extortion schemes for which he was never prosecuted, Spence was also arrested on charges of conspiracy to murder and solicitation of a crime, which were later dismissed.

²²Although petitioner's counsel in the clemency proceeding complains that "official antagonism" appears to exist toward petitioner, he acknowledges that "[t]here was no prosecutorial misconduct of any kind by anyone in the Southern District of New York that caused the harsh sentence" petitioner received. The United States Attorney represents that the information petitioner proffered after his guilty plea "consisted primarily of allegations against Hirsch as well as innuendo and rumors regarding other persons whom the Government had no reason to suspect of wrongdoing" (footnote omitted). Regarding the former category of information, "the Government had acquired independent knowledge of Hirsch's violations"; as to the latter, "after a preliminary inquiry, the Government did not believe any further investigation was warranted" (footnote omitted).

²³In support of his commutation request, petitioner has submitted statements from three of his fellow inmates attesting to the positive influence he has had upon them, as well as a memorandum from the counselor of his housing unit complimenting his work performance and his actions "as an intermediary between staff and the inmate population."

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traumatized by crime," and that he will have the assistance of professionals in the field in obtaining such employment. Asserting that the interests of punishment and rehabilitation have already been met, he contends that he has been severely punished for his offenses by his arrest, forced resignation from the bar and loss of his practice, forfeiture of his assets, public humiliation, and the four and one-half years he has served in prison to date. Furthermore, he argues, given his overall history, "there is no basis whatsoever to believe that [he] will ever again commit a crime."

Finally, petitioner seeks clemency on the ground that his absence has had a destructive impact upon his family despite his efforts "to remain a devoted and involved parent." While arguing that his absence has worked hardship on his wife and older son, he asserts in particular that his "arrest and incarceration have caused his youngest son (*sic*) . . . to suffer a major depressive disorder" requiring psychiatric treatment,²⁴ a six-week commitment to a psychiatric hospital in the spring of 1999, and his current residence away from his mother and brother at a small boarding school in upstate New York. According to the son's on-site therapist and school counselor, this institution is geared "to the needs of children and adolescents with moderate special needs, hopefully preventing the need for more restrictive settings for students like [petitioner's son] who are at significant psychological risk." Noting the close relationship petitioner has always had with the boy and the child's dependence upon him, the school counselor, petitioner's wife, and many of petitioner's supporters urge that his sentence be commuted so that he can assist in his son's recuperation.

Official comments:

The United States Attorney for the Southern District of New York, the Honorable Mary Jo White, opposes petitioner's request for commutation of sentence.²⁵ As an initial matter, she disputes petitioner's description of his role in the money laundering conspiracy. Citing his own admissions at the guilty plea hearing, see note 14, *supra*, and accompanying text, and in the recorded conversations with Hirsch, see notes 3 and 6, *supra*, Ms. White contends that "the evidence amply demonstrates both Weinig's knowledge of and enthusiasm to participate in this scheme."

The United States Attorney further asserts that petitioner "misstates his role in the extortion scheme," and she challenges the validity of his argument that "he should be exonerated on [the misprision] count because his ethical duties as a lawyer prevented him from disclosing confidential information." Ms. White explains that the "extortion charge . . . stemmed not from Weinig's failure to interfere with the kidnapping, but rather from his affirmative efforts to conceal and further his client's extortion of Clooney" (footnote omitted). Moreover, she

²⁴Petitioner has submitted letters from his son's treating psychiatrist to his defense counsel and the sentencing judge opining that the boy's psychiatric difficulties "were precipitated by the abrupt and harsh arrest of his father, and the extended period of uncertainty regarding his father's fate." The doctor urged that petitioner receive a lenient sentence because his extended absence in prison would have "grave effects" on his son's mental health.

²⁵The former Assistant United States Attorneys who prosecuted petitioner likewise oppose clemency.

continues, "the tapes of Weinig's conversations with Hirsch regarding the kidnapping [see text at page 4, *supra*] provide perhaps the greatest example of Weinig's shocking lack of morality or care for the rule of law." Characterizing as "perverse" petitioner's "suggest[ion] that New York [S]tate's ethics rules either compelled, or at least justified, his conduct," Ms. White notes that

Spence clearly did not tell Weinig about the kidnapping because he was seeking legal advice; to the contrary, Spence called upon Weinig because he desired Weinig's assistance in obtaining the ransom from Clooney. Nothing in the ethics rules governing attorney conduct in New York State (or any other state for that matter) sanctions one's affirmative participation in a crime, let alone the collection of ransom from a kidnap victim, which is exactly what Weinig directed his law firm's associates to do (emphasis in original).

Furthermore, citing the description of petitioner's conduct in the decision the Appellate Division of the State of New York issued upon accepting his resignation from the bar, see text at page 8, *supra*, the United States Attorney opines that the "whatever Weinig's view of the state's ethics rules, the [court] did not share it"

Ms. White also contests petitioner's "claim[] that he is entitled to a commutation of his sentence because he received a longer sentence than his other co-conspirators." She points out that several co-conspirators, such as Salerno and Tohmes, "received significant jail sentences for their conduct."²⁶ See text at page 9 and note 19, *supra*. Moreover, she observes, petitioner

did not occupy the same position as his co-conspirators. First, unlike most of his co-conspirators, Weinig was an attorney, who had been successful in the past and had no reason to engage in illegal activity other than sheer greed. Second, unlike other co-conspirators such as Hirsch and Spence, Weinig repeatedly rejected the opportunity to cooperate with the Government and admit his guilt until the eve of trial [footnote omitted].

Finally, to the extent a disparity exists between Weinig's sentence and those of his money-laundering co-conspirators, this disparity is justified because Weinig blithely participated in and caused his own law firm to further the extortion of a kidnap victim.

Noting that petitioner's misprision offense did not increase his applicable offense level under the Sentencing Guidelines, Ms. White contends he "now argues that it should not be considered at all for purposes of his commutation request (emphasis in original)." In her view, such a claim is "plainly rebutted" by the provision of U.S.S.G. § 3D1.4 that "explicitly state[s] that even though

²⁶ Ms. White also represents that Richard Messina, the intermediary who negotiated the ransom with Clooney's relatives during the abduction and accepted cash from Clooney during the meeting at petitioner's law firm, "was sentenced to a term of over 12 years' imprisonment for his role in the extortion scheme."

a given charge may not increase the applicable offense level it still may 'provide a reason for sentencing at the higher end of the sentencing range.'" Sec note 13, *supra*. Furthermore, she continues, if petitioner's clemency application "is premised on the argument that his sentence is overly harsh, then surely a proper analysis of that sentence must include a review of all of Weinig's conduct, such as his callous indifference to Clooney's well-being, and not merely the generosity he allegedly bestowed upon his friends and loved ones (emphasis in original)."

Finally, Ms. White asserts, petitioner's family situation does not justify commutation. She notes that his son had already begun to suffer psychological difficulties before the sentencing hearing occurred, and that petitioner brought this fact to the court's attention. While acknowledging the tragedy of his son's mental and emotional problems, the United States Attorney points out that such problems are not unique to petitioner's loved ones.

Families of all or most convicted criminals are impacted adversely by their family member's incarceration. It is indeed unfortunate that Harvey Weinig's criminal activities (including the safeguarding of drug proceeds at his residence) and the subsequent legal consequences of those activities [have] resulted in a deterioration in [his son's] mental health. Nevertheless, [the boy's] mental problems (and his presumed need for his father) cannot erase the fact that his father engaged in a scheme to launder millions of dollars from the sale of cocaine and further used his position as a lawyer to assist an associate in extortion

The sentencing judge, the Honorable Kevin Thomas Duffy, did not comment on petitioner's clemency request "other than to point out that Mr. Weinig was sentenced within the Guidelines' range and that the Commutation Application contains no facts not known to the prosecution and the sentencing court at the time of conviction."

Reasons for denial:

Petitioner was a well-respected lawyer who used his professional skills to assist in laundering millions of dollars that he knew constituted the proceeds of a huge narcotics trafficking enterprise. He was involved in this activity for an extended period of time, and he admits that he engaged in it purely out of greed. While he was involved in that ongoing crime, he and his confederates stole \$2.4 million from the drug-trafficker clients they were servicing, again out of greed. Petitioner also aided and abetted the extortion of money from an individual he knew had been kidnapped at the direction of a co-defendant in order to coerce the production of a ransom. Significantly, despite his position as an attorney and his knowledge of the ongoing kidnapping, he apparently made no effort whatsoever to attempt to dissuade his co-defendant from that course of criminal conduct.

The seriousness of petitioner's various crimes and the fact that he committed them while he was a member of the bar weighs heavily against commutation of his 135-month sentence. Although the prison term imposed upon him is long, it is commensurate with the gravity of his misconduct. Indeed, the length of his sentence is directly attributable to the various aggravating

factors that played a significant role in its calculation — *i.e.*, the extremely large amount of money petitioner helped to launder, the fact that he knew that the money represented the proceeds of narcotics trafficking, and the fact that he used his special skills as an attorney to ensure that the offense would succeed. But for these aggravating factors, over which he had control, petitioner's sentencing range (108-135 months) would have been considerably lower. Accordingly, he cannot legitimately complain that his money laundering sentence falls above the median money laundering sentence of 24 months cited in the Sentencing Commission's 1998 statistics. Furthermore, his argument that his offense has been too severely punished under the money laundering guidelines is unpersuasive, because his misconduct of assisting in the laundering of millions of dollars that he knew were narcotics proceeds unquestionably falls squarely within the heartland of drug-related financial crimes that Congress sought to punish severely through the money laundering statute and its sentencing guidelines.

It is also unavailing for petitioner to complain that the sentencing court improperly considered his involvement in the extortion scheme underlying the misprision offense in deciding to sentence him at the top of the applicable sentencing range. Not only was the court fully entitled to take this fact into account under the sentencing guidelines, see note 13, *supra*, but it would have been remiss in not doing so. Petitioner's actions in that separate offense, to which he had pled guilty, revealed volumes about his attitude toward the law and his obligations as an officer of the court. It therefore was appropriate for the sentencing judge to consider this information in assessing the accuracy of the testimonials petitioner's colleagues and friends presented regarding his good character. It is equally proper to consider this conduct in determining whether petitioner's sentence should be commuted, and it is telling that he now claims that he learned of the kidnapping only after the victim had been released. Given that his contemporaneous recorded telephone conversations flatly disprove that claim, see text at pages 3-4, *supra*, his present assertions suggest that he is unwilling to accept full responsibility for his role in the extortion scheme.

The difference between petitioner's sentence and the three-year prison terms imposed upon his principal co-defendants likewise does not warrant commutation. Just as he seeks to underplay his involvement in the extortion scheme, petitioner significantly minimizes his role in the money laundering offense by characterizing himself — contrary to the evidence — as “a belated and minor participant in the conspiracy.” While it is true that petitioner was less frequently involved in the day-to-day business of transferring funds, he participated in the planning and oversight of the operation, wired money when needed, assisted in recovering seized funds, and participated fully in the enterprise's profits. Moreover, unlike his partners in the operation, petitioner elected not to cooperate with the government at the first opportunity. To the contrary, he rejected repeated requests from the prosecutors for assistance and did not enter a plea agreement until the eve of trial, nearly 10 months after his arrest and long after his principal confederates had pled guilty. Petitioner thus has no one but himself to blame for the fact that, unlike his co-defendants, he was not the beneficiary of a government motion for a downward departure at sentencing, since his own choices precluded him from providing the kind of assistance that would have warranted such a request. The very plea bargain he made reflects that fact, for its terms did not contemplate consideration of such a motion by the government. Under these circumstances, commuting petitioner's sentence to the five-year term he proposes would

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significantly undermine the government's legitimate and important policy interests in encouraging early and complete cooperation by criminal defendants.

Petitioner's remaining arguments for clemency do not distinguish him from other convicted felons, many of whom are members of minorities, who have enjoyed fewer advantages than he, have served longer portions of lengthy sentences, and whose clemency requests you have denied. Many such prisoners have maintained favorable records of prison adjustment and have occupied their time with useful pursuits. Many prisoners argue with similar force that they have been adequately punished and rehabilitated, that they are unlikely to commit other crimes, and that their further incarceration serves no purpose. Finally, petitioner's family hardships do not differ from those of thousands of inmates in the federal prison system. A felon's incarceration virtually always has an adverse impact upon his family, especially his children. Each year, hundreds of inmates file commutation petitions in which they describe serious economic, medical, psychological, and other difficulties suffered by family members that have been caused or aggravated by the inmates' absence. In this regard, petitioner's family is far better off than those of most inmates, because his family has resources to address these problems that most other clemency applicants lack. A commutation of his sentence in the face of the denial of clemency to so many others whose family hardships are as grave or graver might well be misinterpreted as suggesting that well-off, white-collar offenders are deserving of special consideration in the clemency context.

In summary, the prison term imposed upon petitioner by the court was within the sentencing range he agreed applied to his conduct, appropriately reflects the very serious nature of his offenses, and is not disproportionate to the sentences imposed upon his differently situated confederates. As of the present time, he has served less than half of this sentence. To commute his prison term to the five years he proposes would denigrate the seriousness of his criminal misconduct, undermine the government's legitimate interest in encouraging prompt guilty pleas and truthful cooperation from criminal defendants, and could give the appearance of granting special consideration to economically advantaged, white-collar offenders. For these reasons and because of the strong opposition of the United States Attorney to clemency, I recommend that you deny the petition.

Respectfully submitted,

Deputy Attorney General

Date: _____

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